

DIVISION 3

PROCEDURES

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CHAPTER 1

GENERAL PROCEDURES

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ARTICLE 1. Introduction.

The provisions of Division 3 of the Development Code contain the procedures necessary to adopt, implement or amend the San Bernardino County General Plan, Development Code, the Official Land Use Plan, Specific Plans and to process development proposals in any land use district.

Readopted Ordinance 3341 (1989)

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83.010105 Organization.

- (a) The Development Code utilizes five (5) basic procedures to review all types of applications: Public Hearing, Design Review, Administrative Review, Staff Review with Notice and Staff Review Without Notice. Chapter 1 describes each of the five (5) procedures and then follows with the application provisions common to each.

- (b) Chapter 2 describes each policy development application type and the provisions of this Title unique to that application type as well as the reviewing authority for each. The types of policy development applications appear in the following order:
 - (1) General Plan Amendment.
 - (2) Amendment of Development Code.
 - (3) Specific Plan Adoption and Amendment.
 - (4) Agricultural Preserves/Land Conservation Contract Actions.
- (c) Chapter 3 describes each land use and design application type and the provisions of this Code unique to that application type as well as the reviewing authority for each. The types of land use applications appear in the following order:
 - (1) Conditional Use Permit.
 - (2) Planned Development Review.
 - (3) Land Use Compliance Review.
 - (4) Occupancy Verification. (Reserved)
 - (5) Certificate of Land Use Compliance.
 - (6) Special Use Permit.
 - (7) Temporary Use Permit.
 - (8) Sign Location Plan.
 - (9) Variances.
 - (10) Flood Hazard Development Review.
 - (11) Pre-Construction Inspection.
- (d) Chapter 4 describes each division of land application type and the provisions of this Code unique to that application type as well as the reviewing authority for each. The types of land use applications appear in the following order:

- (1) Tentative and Final Map.
- (2) Parcel Maps and Minor Subdivisions.
- (3) Vesting Tentative Map.
- (4) Composite Development Plan.
- (5) Lot Line Adjustments.
- (6) Lot Mergers.
- (7) Reversions to Acreage.
- (8) Certificate of Subdivision Compliance.
- (9) Official Maps.
- (10) Resident Initiated Mobile Home Park Conversion.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

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83.010205 Public Hearing.

- (a) Public Hearing procedures are distinguished by a formal open forum for public review of a proposal. During the course of the public hearing, the reviewing authority invites public testimony for and against the land use proposal, reviews evidence and then renders its decision.
- (b) Public Hearing procedures shall be used to give all interested parties an opportunity to review the evidence and to state their relative positions in a common public forum before the reviewing authority.

Readopted Ordinance 3341 (1989)

83.010210 Development Review.

- (a) Development review procedures include evaluation of proposals at a scheduled meeting of the Development Review Committee (DRC).
- (b) The DRC meeting allows informal discussions between the applicant, County staff and others regarding the design and proposed conditions for a given proposal. The DRC provides a recommendation to the reviewing authority.

Readopted Ordinance 3341 (1989)

83.010215 Administrative Review.

- (a) Administrative Review procedures are distinguished by a written or published notice given to affected and interested parties followed by a decision by the reviewing authority. The notice shall be designed to insure that all interested parties are aware of the pending decision and are given a chance to comment before the reviewing authority renders its decision.

- (b) Administrative Review procedures shall be used to permit the reviewing authority to render a decision without the delay and expense of a public hearing.

Readopted Ordinance 3341 (1989)

83.010220 Staff Review With Notice.

Staff Review With Notice procedures are distinguished by land use decisions which are based upon specific findings or conditions which limit the discretion of the reviewing authority.

Readopted Ordinance 3341 (1989)

83.010225 Staff Review Without Notice.

- (a) Staff Review Without Notice procedures are distinguished by land use decisions made by the reviewing authority based upon standards that have been adopted by the County as law or as policy.
- (b) Staff Review Without Notice procedures shall be used when sufficient standards have been adopted by the Planning Commission or the Board of Supervisors to allow the reviewing authority to render a decision without giving notice to surrounding property owners and other parties.

Readopted Ordinance 3341 (1989)

ARTICLE 3. Application Procedures.

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83.010305 Applications For Land Use Decisions.

Applications for all land use decisions shall be made at the offices of the reviewing authority on forms supplied by that authority. Each application for a land use decision shall be accompanied by such information and materials deemed necessary to render the requested land use decision before such application is deemed complete and accepted for filing. Any application made under the provisions of the Development Code may be initiated by the Board of Supervisors, or by any interested party unless otherwise indicated in this Title.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.010310 Environmental Review.

- (a) All land use applications that are subject to the California Environmental Quality Act (CEQA) shall be reviewed by the Office of Planning as provided for in San Bernardino County Environmental Review Guidelines.
- (b) Prior to taking an action to approve a land use application that is subject to CEQA, the Planning Agency shall make one or more environmental findings. The environmental finding(s) is required in addition to the findings specified in this Division for each application type.

Readopted Ordinance 3341 (1989)

83.010315 Concurrent Applications.

When more than one (1) land use decision is required for a single project, all applications may be filed concurrently.

Readopted Ordinance 3341 (1989)

83.010320 Application Forms and Information Packets.

- (a) Each land use application Forms and Information Packet shall include a list of the information and materials required for the application to be considered complete under Section 83.010405, below.
- (b) Any application for a land use decision which does not contain the required information and materials, or which is not accompanied by the appropriate application fee, may be rejected as incomplete by the planning agency as provided in Section 83.010405, below.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

83.010325 Preapplication Review.

When the complexity of a land use application warrants it, the designated reviewing authority or the office given responsibility for accepting the land use application may require that the applicant submit materials and attend necessary conferences or hearings to conduct a preliminary review of a development proposal prior to the acceptance of the application.

Readopted Ordinance 3341 (1989)

83.010330 Notice of Pending Land Use Decisions.

- (a) Upon receipt of a request for a land use decision that utilizes the Public Hearing, Administrative Review, Design Review or Staff Review With Notice procedures, the reviewing authority shall cause notice to be given specifying the time and place at least ten (10) calendar days prior to the date of the scheduled land use decision by the following applicable methods:
 - (1) Notice shall be published once in a newspaper of general circulation in the respective community of the proposal for the following land use decisions using the Public Hearing procedure:

- (A) Subdivisions, where a tentative and final map are required.
 - (B) Development Code amendment.
 - (C) General Plan map amendments.
 - (D) Amendments to the text of the General Plan or a specific plan.
- (2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.
- (3) Notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions using the Public Hearing, Administrative Review or Development Review procedures.
- (4) Notice shall be given by first class mail or delivery to all contiguous property owners for land use decisions using the Staff Review With Notice procedures.
- (5) Notice shall also be given, as required by Section 66451.3 of the California Government Code, in the case of a conversion of residential real property to a condominium project, community apartment project or stock cooperative.
- (6) Notice may be given in such other manner as is deemed necessary or desirable.
- (b) Said notice shall include sufficient information to give those receiving the notice a reasonable opportunity to evaluate the implications of the proposal and to participate in the decision making process. Furthermore, notices for land use decisions involving subdivisions for which a tentative and final map are required shall inform the recipient of his or her right to request, prior to the noticed land use decision date, that the proposal be reviewed by the County under the Public Hearing procedures.
- (c) A one-eighth (1/8) page legal display advertisement in a newspaper of general circulation may be substituted for individual property owner notice whenever the individual notice would require notification of **more than one thousand (1,000)** property owners.

- (d) Ownership and addresses of surrounding and contiguous properties shall be determined from the latest equalized tax assessment role or from other records of the County Assessor or County Tax Collector, whichever contains more recent information.
- (e) During the public hearing, items which are continued by the reviewing authority to a specific date, shall not be re-noticed unless specifically requested by the reviewing authority.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.010335 Conditions Of Approval.

In approving an application for a land use decision, the reviewing authority may establish reasonable conditions to its approval that are found to be necessary to protect the public health, safety and general welfare that are consistent with the County General Plan and the provisions of this Code.

Readopted Ordinance 3341 (1989)

83.010340 Revisions.

Minor modifications of the conditions of approval or project design for a conditionally approved development project may be revised by the Planning Officer through the Staff Review Without Notice procedure. However, should the Planning Officer determine that the modification(s) may be controversial, the requested modification shall be referred back to the reviewing authority who required the condition(s). Those review procedures which were applicable when the conditions requested to be modified were originally imposed, shall be used for such modifications.

Readopted Ordinance 3341 (1989)

83.010345 Automatic Conditions.

Any development project defined in Government Code Sections 65927 and 65928, which is automatically approved pursuant to California Government Code Section 65956, shall be approved subject to the following standard conditions:

- (a) The development project must be a permitted use in the applicable land use district.
- (b) The development project must be consistent with the General Plan.

- (c) The development project must comply with the public health, safety and welfare requirements of other public agencies. These agencies include, but are not limited to, the County Departments of Environmental Health Services, Transportation and Flood Control and the Office of Building and Safety.
- (d) Any automatic approval of a development project shall become null and void unless all conditions imposed by this section have been complied with, and the occupancy, use of the land, and use of the proposed or existing structures authorized by such automatic approval, has taken place within thirty-six (36) months after the date of the automatic approval.

Readopted Ordinance 3341 (1989)

83.010350 Extension and Expiration of Land Use Decisions.

Any conditional land use decision made in accordance with the provisions of this Code shall be subject to the following time limitations:

- (a) Unless all conditions have been complied with and the occupancy, use or division of land authorized by the land use decision has taken place or been recorded within thirty-six (36) months after the day the land use decision becomes effective, the land use decision shall become null and void.
- (b) Planned Development: Notwithstanding the above provisions of this section, a conditionally approved Planned Development for a phased project shall be subject to a time limitation not to exceed that specified by the condition of approval for the Development Plan approval. The applicant, however, shall either record a tract map or obtain building permits for at least one (1) phase of the project within five (5) years of the development plan conditional approval and, as applicable, within each succeeding five (5) year period. Each five-year period shall begin with the last County approved action that was accomplished (i.e., record a tract map, obtain a building permit).
- (c) Where circumstances warrant, the Planning Agency or such other agency, department or person designated by the reviewing authority, may grant an extension of time for a period or periods not to exceed a total of thirty-six (36) months. **The time limits provided in the State Subdivision Map Act shall apply to all projects subject to the Act.** Under exceptional or extraordinary circumstances, another extension may be granted at the discretion of the Reviewing Authority for projects other than those regulated by the State Subdivision Map Act. The findings

then required to approve such a land use application or permit must be made prior to approving an extension for that application or permit. All such extensions must be found to be consistent with the provisions of the General Plan and the San Bernardino County Code. This subsection shall not be applied to extend the time limits provided in subsection (b), above.

- (d) A request for an extension of time shall be filed at least thirty (30) days and no more than ninety (90) days prior to the expiration date of an application. Any land use application for which an extension request has been filed within this time period shall not expire for sixty (60) days or until an action is taken upon the extension request, whichever occurs first. If approved, an extension shall commence on the expiration date, even if it is not approved until after the expiration date.
- (e) Public projects shall not be subject to a time limitation unless specific time limits are included within conditions placed upon the project's approval. When time limits are placed on the conditional approval of a public project, extensions of time may be granted whenever warranted provided that no single extension shall be greater than twelve (12) months.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3616 (1995); Amended Ordinance 3815 (2001)

83.010355 Revocation or Modification of Permits or Variances.

- (a) Any permit or variance issued or approved in accordance with this Title may be revoked or modified upon finding that one or more of the following conditions for revocation exist:
 - (1) The use is being conducted in violation of the terms or conditions of the permit or variance.
 - (2) The use is being exercised in violation of any statute, ordinance, law or regulation.
 - (3) The approval of the permit or variance was based on inaccurate or misleading information.
 - (4) The use is exercised so as to be detrimental to the public health, safety or general welfare, or is a public nuisance.
 - (5) The use for which such approval was granted is not being exercised.

- (6) The use for which the permit was granted has ceased or has been suspended for one year or more.
- (b) Revocation Procedure: A public hearing before the Planning Commission shall be used to process the revocation or modification. A Notice of Revocation and/or Modification and a copy of the findings shall be sent to the permittee at least thirty (30) days prior to the public hearing. Public notice shall be given in accordance with the provisions of Section 83.010330 of this Division. If a revocation is ordered, the Planning Commission may provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on later application to the reviewing authority by any affected person.
- (c) The revocation or modification of a permit is appealable as provided in Article 6 of Chapter 1 of this Division.

Adopted Ordinance 3371 (2002)

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ARTICLE 4. Time Limitations.

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83.010405 Time Limits For Accepting Land Use Applications As Complete.

- (a) Pursuant to California Government Code Section 65943, no later than thirty (30) days after the County has received an application for a development project, the County shall determine, in writing, whether the submitted application materials are complete and shall immediately transmit such determination to the applicant. Upon receipt of any resubmittal of the application, a new thirty (30) day time period shall begin during which time the County is to determine the completeness of the application. If the application, together with these submitted materials are determined not to be complete, the applicant may appeal the decision to require additional information to the Planning Commission Subcommittee. If the final written determination on the appeal is not made within sixty (60) days, the application with the submitted materials shall be deemed complete.
- (b) The Planning Agency and the applicant may mutually agree to a reasonable extension of these time limits.
- (c) Applications which depend on approval of another enabling application (e.g. General Plan Amendments), shall not be considered accepted until the effective decision date for the enabling application(s). Such dependent applications may, however, be accepted for preapplication review to allow concurrent processing and thereby streamline the review process.

Readopted Ordinance 3341 (1989)

83.010410 Time Limit For Land Use Review and Decisions.

Except for legislative acts of the Board of Supervisors, the Planning Agency shall render its decision on a land use application within the following time limits, or the application shall be deemed approved in accordance with State law:

- (a) If a Negative Declaration is prepared or if the project is exempt from Division 13 (commencing with Section 21000) of the California Public Resources Code, the project shall be approved or disapproved within six (6) months from the date on which an application requesting approval of the project has been received and accepted as complete by the Planning Agency.
- (b) If an Environmental Impact Report (EIR) is prepared, pursuant to Section 21100 or 21151 of the California Public Resources Code, the project shall be approved or disapproved within one (1) year from the date on which an application requesting approval of the project has been received and accepted as complete by the Planning Agency.
- (c) Pursuant to California Public Resources Code Section 21151.5, should compelling circumstances justify additional time beyond one hundred five (105) days to complete a Negative Declaration or beyond one (1) year to complete and certify an Environmental Impact Report, then a reasonable extension of time may be granted by the Planning Agency if the project applicant requests or consents to such an extension, subject to the following provisions:
 - (1) In the case of an Environmental Impact Report, pursuant to California Government Code Section 65950.1, the Planning Agency shall approve or disapprove the project within forty-five (45) days after certification of the Environmental Impact Report for a tentative map or parcel map, and ninety (90) days after the certification of the Environmental Impact Report for all other types of development projects.
 - (2) In the case of a Negative Declaration, a reasonable extension of time shall not exceed the six (6) months and an additional ninety (90) days referenced in California Government Code Sections 65950 and 65957 for all development projects. Provided however, subdivisions shall be subject to the time limits specified in Division 8, unless a waiver has been obtained in accordance with Subsection (d) below to allow for such an extension of time.

- (d) The Planning Agency shall approve, conditionally approve, extend or disapprove a tentative map, tentative parcel map, or minor subdivision plot plan or a proposed subdivision within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a determination that the project is exempt from CEQA requirements. These time limits or any other time limits for reporting and acting on maps may be extended by mutual consent of the subdivider and the Planning Agency. Upon consent of the subdivider, a waiver of any of these time limits may be obtained for the purpose of permitting concurrent processing of related land use applications or an environmental review on the same development project or subdivision.
- (e) When a land use application decision is contingent upon approval of another application or ordinance which requires legislative action (e.g., General Plan Amendment, ordinance, etc.), the time limits specified by Subsection (a) above, for acting on such a land use application, shall commence on the effective date of the last such legislative action on which that land use application is contingent.
- (f) **First Amendment Protected Businesses.**
 - (1) The Planning Director shall accept as complete, or deny as incomplete, the application for a Conditional Use Permit (CUP) for a business protected by the First Amendment within thirty (30) days from the date on which an application is submitted to the Director. The Planning Director shall approve or disapprove the completed CUP application within ninety (90) days of its acceptance as complete by the Director. The time limit established by this section may be extended once for a period not to exceed ninety (90) days upon consent of the Planning Director and the applicant.
 - (2) If the permit requested is for a development project for construction or reconstruction subject to the Permit Streamlining Act (Government Code § 65920 et seq.), the time limits provided in the Permit Streamlining Act shall apply to the Conditional Use Permit approval or denial.
 - (3) Upon the filing of an appeal, the Planning Commission or the Board of Supervisors shall render its decision on the appeal within sixty (60) days.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990);
Amended Ordinance 3465 (1991)

83.010415 Effective Date of Land Use Decisions.

(a) Unless appealed, land use application decisions become effective as follows:

(1) The effective date of a land use decision which is made by adoption of an ordinance shall be in accordance with state law governing the effective date of ordinances.

(2) Land use decisions, made at public hearing by the Planning Agency other than decisions made by the Board of Supervisors shall be effective eleven (11) days after the action of the Planning Agency, except when the tenth (10th) such day is not a County business day. In such instances, the land use decision shall become effective on the second consecutive County business day following such tenth (10th) day.

(3) Land use decisions not made at a public hearing by a reviewing authority become effective eleven (11) days after the written notice of the land use decision has been deposited in the U.S. mail, except when the tenth (10th) such day is not a County business day. In such instances the land use decision shall become effective on the second consecutive County business day following such tenth (10th) day.

(4) Decisions regarding a request for the extension of time for a period beyond that granted by an approved land use application shall become effective sixteen (16) days after the written notice of such a decision has been deposited in the U.S. mail or after the action has been taken by the Planning Agency at a public hearing, except when the fifteenth (15th) such day is not a County business day. In such instances, the decision shall become effective on the second consecutive County business day following such fifteenth (15th) day.

(b) Land use application decisions which are made contingent upon the approval of another application or ordinance requiring legislative action (e.g., General Plan Amendment, ordinance, etc.) shall become effective on the date when the approval of the last such application which they are subject becomes effective.

Readopted Ordinance 3341 (1989); Amended Ordinance 3688 (1997)

ARTICLE 5. Decision By Reviewing Authority.

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83.010505 Referral To Next Succeeding Reviewing Authority.

- (a) A reviewing authority may refer a request for a land use decision to the reviewing authority designated as the appeal body for that type of land use application.
- (b) Notwithstanding the provisions of Subsection (a), the Planning Commission shall make its recommendation to the Board of Supervisors or shall state the reasons why it cannot do so.
- (c) An applicant for a land use decision may waive his option for a decision by any reviewing authority other than the Planning Commission and request that his application be reviewed by the appeal body for that type of land use application.
- (d) Any land use decision made by the Planning Commission as a result of a referral in accordance with the provisions of this section shall be made at a public hearing.
- (e) All land use decisions which require a legislative act prior to their approval or denial shall be referred to the Board of Supervisors for final action.

Readopted Ordinance 3341 (1989)

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83.010605 Appeal of a Land Use Decision.

Prior to its effective date, any land use decision made in accordance with the provisions of this Code by a reviewing authority other than the County Board of Supervisors may be appealed by the applicant or other affected party, as follows:

- (a) The Planning Officer's decision to require preparation of an Environmental Impact Report (EIR) is subject to appeal to the Planning Commission for final decision.
- (b) The Planning Commission shall consider appeals regarding land use decisions made by any County agency, department, office, official or officer.

The Planning Commission may refer consideration of an appeal to the Board of Supervisors, except for those decisions involving only a variance, determination as to the completeness of an application, **the determination to approve or deny a Home Occupation Permit** or the requirement for preparation of an Environmental Impact Report. In these instances the Planning Commission decision shall be the final and conclusive decision. The Board of Supervisors will not accept nor consider an appeal of these Planning Commission decisions.

- (c) The Board of Supervisors shall consider appeals regarding land use decisions made by the Planning Commission, except as specified above.
- (d) The Board of Supervisors shall only conduct hearings regarding an EIR or other environmental action in conjunction with consideration of the subject land use application and project for which the EIR was prepared or other environmental action proposed.

Readopted Ordinance 3341 (1989); Amended Ordinance 3825 (2001)

83.010610 Application For The Appeal Of A Land Use Decision.

Applications for an appeal of a land use decision shall be made on forms supplied by the reviewing authority to which the appeal is being made. Applications for appeals shall be accompanied by a written statement of the grounds upon which the appeal is based. A uniform fee, as established by the Board of Supervisors, shall be paid to the County upon the filing of each appeal. The appeal application shall identify (1) the subject land use application, (2) the specific decision, condition of approval or other matter being appealed, (3) the date of such action, (4) the justification for the appeal and, (5) any remedy or solution for which the appellant petitions. A properly filed application for appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.

Readopted Ordinance 3341 (1989)

83.010615 Time For Filing An Appeal.

The Planning Officer or, in the case of an appeal to the Board, the Clerk of the Board of Supervisors, shall be notified by the appellant of an appeal of a land use application decision prior to the date on which such land use application decision becomes effective. The appellant shall submit at the time of such notification, or on the next County business day following such notification, an application for the appeal.

Readopted Ordinance 3341 (1989)

83.010620 Notice Of Appeal.

Within thirty (30) days of the acceptance of an application for an appeal of a land use decision, the County Office of Planning or the Clerk of the Board of Supervisors shall set the matter for hearing and shall give notice of the date, time and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.

Readopted Ordinance 3341 (1989)

83.010625 Authority Of Appeal Body.

Upon hearing the appeal, the appeal body shall consider the record and such additional evidence as may be offered, and may affirm, reverse or modify, in whole or in part, the decision appealed. The appeal body is subjected to all of the criteria, findings, and requirements imposed by this Code upon the original decision maker.

Readopted Ordinance 3341 (1989)

83.010630 Withdrawal Of Appeal.

An appeal may be withdrawn prior to the time that the reviewing authority issues a decision. The applicant or his/her representative must notify the Planning Office in writing that he/she wishes to withdraw the appeal.

Readopted Ordinance 3341 (1989)

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Chapter 2

POLICY DEVELOPMENT PROCEDURES

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ARTICLE 1. General Plan Land Use District Changes.

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83.020105 Procedures.

Decisions to change the classification of land from one adopted land use district to another land use district shall be reviewed by the Planning Commission and acted upon by the Board of Supervisors. However, a recommendation for denial by the Planning Commission shall terminate any application for a change in district classification unless it is appealed in accordance with the provisions of this Code. Amendments to land use districts constitute an amendment of the County General Plan and shall be adopted by resolution and ordinance.

Procedure: Public Hearing

Reviewing Authority: Board of Supervisors with Planning Commission recommendation.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

83.020110 Findings.

Prior to approving or recommending approval of a General Plan land use district change, the Planning Agency shall find that the following are true:

- (a) The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised.

- (b) The proposed land use district change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.
- (c) The proposed land use district change does not conflict with provisions of this Code, or any applicable specific plan.
- (d) The proposed land use district change will not have a substantial adverse effect on surrounding property.

Readopted Ordinance 3341 (1989)

ARTICLE 2. Development Code Amendment.

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83.020205 Procedures.

- (a) Amendments to the Development Code shall be reviewed and acted upon in conformance with the laws of the State of California.
- (b) Decisions to adopt changes to the Development Code shall be reviewed at public hearing by the Planning Commission and acted upon at public hearing by the Board of Supervisors.

(c) Procedure: Public Hearing

Reviewing Authority: Board of Supervisors with Planning Commission recommendation.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.020210 Findings.

Prior to approving or recommending approval of a Development Code Amendment, the Planning Agency shall find that the proposed ordinance is consistent with the General Plan and its policies.

Readopted Ordinance 3341 (1989)

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ARTICLE 3. Specific Plan Adoption and Amendment.

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83.020305 Procedures.

- (a) Decisions to adopt or amend a Specific Plan shall be reviewed by the Planning Commission and acted upon by the Board of Supervisors.
- (b) A Specific Plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a Specific Plan shall be adopted by ordinance and may be amended as often as deemed necessary by the Board of Supervisors. A Specific Plan shall be repealed in the same manner as it is required to be amended.

- (c) Procedure: Public Hearing

Reviewing Authority: Planning Commission
Board of Supervisors

Readopted Ordinance 3341 (1989)

83.020310 Findings.

Prior to taking an action to adopt or amend a specific plan, the Planning Agency shall find that the proposed specific plan or amendment:

- (a) Is consistent with the General Plan; and
- (b) Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; and
- (c) Specifies through text and/or diagrams, the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; and

- (d) Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and
- (e) Specifies a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out Findings (b), (c), and (d) above; and
- (f) Includes a statement of the relationship of the specific plan to the General Plan, Development Code and any applicable plan; and
- (g) The Specific Plan addresses any other subjects which are necessary for implementation of the General Plan.

Readopted Ordinance 3341 (1989)

83.020315 Consistency with the Specific Plan.

No local public works projects may be approved, no land use application may be approved and no Specific Plan land use designation may be amended within an area covered by a Specific Plan unless it is consistent with the adopted Specific Plan.

Readopted Ordinance 3341 (1989)

83.020320 Environmental Review Requirements.

- (a) Residential development projects, including any subdivision or land use district change, that are consistent with a Specific Plan for which an Environmental Impact Report has been certified after January 1, 1980, are exempt from the requirements of the California Environmental Quality Act (CEQA) provided they meet the criteria for exemption specified in Section 65457 of the California Government Code.
- (b) This subsection does not supersede but provides an alternative procedure to Section 21080.7 of the California Public Resources Code.

Readopted Ordinance 3341 (1989)

ARTICLE 4. Agricultural Preserves/Land Conservation Contract Actions.

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83.020405 Procedures.

- (a) This article makes provisions to establish, expand, disestablish or reduce an Agricultural Preserve boundary and/or establish or cancel a Land Conservation Contract in conformance with the California Land Conservation Act of 1965 for the preservation and management of Agricultural Lands. All the activities listed above require a public hearing by both the Planning Commission and the Board of Supervisors except a County initiated Land Conservation Contract, which shall be heard by the Board of Supervisors without any hearing before the Planning Commission.
- (b) Procedure: Public Hearing

Reviewing Authority: Planning Commission
Board of Supervisors
- (c) Prior to action on a request for cancellation of a Land Conservation Contract, the land owner must pay a cancellation fee equal to twelve and one-half percent (12 1/2%) of the cancellation value of the land plus any deferred tax amount.
- (d) Prior to cancellation of a Land Conservation Contract the reviewing authority shall make one of the following findings:
 - (1) That the cancellation is consistent with the purposes of the Williamson Act; or
 - (2) That cancellation is in the public interest.
- (e) Non-renewal of a Land Conservation Contract will be accomplished through "Staff Action without Notice" procedures with the Planning Director as the reviewing authority.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990);
Amended Ordinance 3616 (1995)

83.020410 Findings.

- (a) Cancellation of a contract shall be consistent with the purposes of the Williamson Act only if the Board of Supervisors make all of the following findings:
 - (1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the California Government Code.
 - (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
 - (4) The cancellation will not result in discontinuous patterns of urban development.
 - (5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
- (b) Cancellation of a contract shall be in the public interest only if the Board of Supervisors make the following findings:
 - (1) That other public concerns substantially outweigh the objectives of the Williamson Act; and
 - (2) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Readopted Ordinance 3341 (1989)

ARTICLE 5. Airport Comprehensive Land Use Plans.

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83.020505 Procedures.

(a) Airports within County jurisdiction:

(1) Airport Comprehensive Land Use Plans and amendments to such plans shall be reviewed by the Planning Commission before presentation to the Board of Supervisors for its action.

(2) An Airport Comprehensive Land Use Plan shall be prepared, adopted, and amended in the same manner as a general plan, except that an Airport Comprehensive Land Use Plan may be amended as often as deemed necessary by the Board of Supervisors. An Airport Comprehensive Land Use Plan shall be repealed in the same manner as it is required to be amended.

(3) Procedure: Public Hearing

Reviewing Authority: Planning Commission
Board of Supervisors

(b) Airports within incorporated cities but impact unincorporated areas:

(1) Airport Comprehensive Land Use Plans and any amendments thereto that are prepared and adopted by other jurisdictions but impact unincorporated areas of the County shall be reviewed by the Planning Commission and approved by resolution by the Board of Supervisors.

(2) Procedure: Public Hearing

Reviewing Authority: Planning Commission
Board of Supervisors

Adopted Ordinance 3658 (1996)

83.020510 Findings.

Prior to taking an action to adopt or amend an Airport Comprehensive Land Use Plan, the Planning Agency shall find that the proposed plan or amendment:

- (a) Is consistent with the General Plan; and
- (b) Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land within the area covered by the plan; and
- (c) Specifies through text and/or diagrams, the standards and criteria by which development will proceed.

Adopted Ordinance 3658 (1996)

83.020515 Consistency with the Plan.

No local public works project may be approved, no land use application may be approved and no land use designation may be amended within an area covered by an Airport Comprehensive Land Use Plan unless it is consistent with the adopted Airport Comprehensive Land Use Plan.

Adopted Ordinance 3658 (1996)

CHAPTER 3

LAND USE DESIGN PROCEDURES

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ARTICLE 1. Conditional Use Permit.

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83.030105 Conditional Use Permit Review Criteria.

A Conditional Use Permit or alternate review procedure as allowed by this section shall be required for the construction, alteration or expansion of every use that is allowed by a land use district subject to a Conditional Use Permit.

(a) A Conditional Use Permit shall be required for all new development where specified by this Title and for the expansion, alteration or any disturbance of land associated with any use subject to a Conditional Use Permit, Department Review or Land Use Review:

(1) which is greater than twenty-five percent (25%) of the ground area covered by the land use, where the land use is permitted in the land use district subject to a Department Review or Conditional Use Permit, or

(2) which is greater than twenty-five percent (25%) of the ground area covered by the land use and where the total use after such expansion exceeds 10,000 square feet, where the land use is permitted in the land use district subject to a Land Use Review.

Cumulative expansions which meet these criteria also require a Conditional Use Permit.

(b) A Conditional Use Permit shall be required for the conversion of non-conforming structures from one primary land use classification to another (e.g. remodeling of a residential structure for commercial or industrial use).

(c) At the discretion of the Director of Planning, proposed uses designated as being subject to a Conditional Use Permit may be evaluated using the Department Review procedures, except for those uses that are identified in Section 83.0301315 that specifically do not qualify for a Department Review. If the reviewing authority cannot make the required findings to approve the Department Review, the review shall be elevated to a Conditional Use Permit.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3483 (1992); Amended Ordinance 3565 (1993); Amended Ordinance 3657 (1996)

83.030110 Types of Conditional Use Permit Authorizations.

- (a) Conditional Use Permit Review.
- (b) Alterations to Nonconforming Uses.
- (c) Agricultural Support Service.
- (d) Surface Mining and Reclamation Plans.

Readopted Ordinance 3341 (1989)

83.030115 Procedures.

Conditional Use Permits are intended to provide an opportunity to review the location design and manner of development of land uses prior to their implementation. Uses subject to Conditional Use Permits are established through Public Hearing or Administrative Review procedures. Once established, minor expansions and adjustments to uses that are subject to a Conditional Use Permit may be accommodated through the Land Use Compliance Review process.

Readopted Ordinance 3341 (1989)

83.030120 Conditional Use Permit Review.

- (a) Procedure: Administrative Review or Public Hearing
- (b) Reviewing Authority: Planning Officer.
- (c) The Planning Officer shall be the reviewing authority for Conditional Use Permit applications except the following circumstances:
 - (1) Where the Planning Officer refers the proposal to the Planning Commission.
 - (2) Where the proposal is filed concurrently with an application subject to Public Hearing review procedures.
- (d) Findings. Prior to approving an application for a Conditional Use Permit, the reviewing authority shall find and justify that all of the following are true:

- (1) The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the application.
- (2) The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.
- (3) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, meaning that the use will not generate excessive noise, vibration, traffic or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.
- (4) The proposed use is consistent with the goals, policies, standards and maps of the General Plan and any applicable plan.
- (5) The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.
- (6) The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.030125 Alteration to Nonconforming Uses.

- (a) Procedure: Administrative Review.
- (b) Reviewing Authority: Planning Officer

The Office of Planning shall review and act upon requests to alter nonconforming uses.

- (c) An existing nonconforming use may be altered to accommodate a new structure or accessory use, except where it is an existing nonconforming use of land with no structure thereon.

- (d) Findings. Before any modification in a nonconforming use may be granted, it shall be found that all of the following conditions shall exist in reference to the alteration being considered:
- (1) The remaining normal life of the existing nonconforming use shall be determined pursuant to provisions specified in this Code prior to consideration of the proposed alteration if in a residential district.
 - (2) The proposed alteration shall not prolong the normal life of the existing nonconforming use.
 - (3) The alteration of the existing nonconforming use shall not be detrimental to nor prevent the attainment of objectives, policies, general land use and programs specified in the County General Plan.
 - (4) The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located.
 - (5) The alteration shall not change the primary use of the land nor increase the intensity of that use.
 - (6) The existing nonconforming use shall comply with all other existing County regulations, including, but not limited to, those applicable to and enforced by the County Department of Environmental Health Services, Office of Building and Safety, and the County Sheriff's Department.
 - (7) Any alteration required by governmental or court action shall be exempt from these conditions.

Readopted Ordinance 3341 (1989)

83.030130 Design Conditional Use Permit.

Any Conditional Use Permit submittal which is determined by the Planning Officer to warrant more detailed review may be forwarded to the Development Review Committee (DRC) for review and recommendation prior to action by the reviewing authority.

Readopted Ordinance 3341 (1989)

83.030135 Agricultural Support Service.

When agricultural support services are allowed subject to a Conditional Use Permit, the following findings shall be made prior to approval of the Conditional Use Permit:

- (a) The proposed use is of an appropriate size and scale that will not create a conflict with existing or planned uses of adjacent properties;
- (b) The proposed use is incidental and subordinate to existing agricultural uses located within the general vicinity;
- (c) The methods of operation are compatible with existing and planned uses of adjacent properties;
- (d) The methods of solid waste, sewage and wastewater disposal are safe, practical and will not adversely affect surrounding properties, and underground water supplies;
- (e) The approval of the proposed use will not serve to detract from the agricultural character of the area;
- (f) The proposed use will not have a substantial adverse effect on the service support capacity of the area's infrastructure including groundwater supply.

Readopted Ordinance 3341 (1989)

83.030140 Surface Mining And Reclamation.

State law requires a public hearing review for the Surface Mining and Reclamation process. The Mining and Land Reclamation Plan Application combines a Conditional Use Permit and Reclamation Plan into one application.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.030145 Hazardous Waste Facilities.

- (a) To apply for a Conditional Use Permit (CUP) for a Hazardous Waste Facility, a General Plan Amendment Application must be filed concurrently with the CUP as a Hazardous Waste Overlay District must be applied to the facility site.

- (b) For a complete discussion of the review procedures required for a specified hazardous waste facility, refer to Section 5.3.3 and Table 5-4 of Chapter 5 of the San Bernardino Hazardous Waste Management Plan.

Adopted Ordinance 3446 (1991)

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ARTICLE 2. Planned Development Review.

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83.030205 Purpose.

The planned development process is intended to facilitate development of properties where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application of land use district regulations. This process is also intended to serve as an alternative site planning process that encourages the more creative and imaginative planning of mixed use multiphased residential, commercial or industrial developments within the framework of a single cohesive development plan.

Readopted Ordinance 3341 (1989)

83.030210 Reviewing Authority.

The Planning Commission shall review and the Board of Supervisors shall act upon all initial applications for preliminary development plans and significant revisions to previously approved preliminary development plans for planned developments. However, a recommendation for denial by the Planning Commission shall terminate any application for a planned development, unless it is appealed in accordance with the provisions of this Title. **When an applicant chooses to file a final development plan for a project that has not had a preliminary development plan previously approved, he/she shall file the preliminary and final development plans concurrently.** The Planning Officer shall review and act upon all applications for final development plans for planned developments, provided the plans have been determined to be non-controversial and are consistent with the approved preliminary development plans. A Final Development Plan shall be determined to be non-controversial when no member of the Development Review Committee objects to the proposed development or any portion thereof, the applicant is in agreement with the requirements and conditions as proposed, and there has been no objection to the proposed project. If the Planning Officer determines the project to be controversial, the project shall be referred to the Planning Commission for action. The Development Review Committee shall review all applications for preliminary or final development plans prior to their review by the Planning Officer, Planning Commission or Board of Supervisors.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990);
Amended Ordinance 3779 (1999); Amended Ordinance 3864 (2002)

83.030220 Findings.

Prior to approving a request for a planned development, the reviewing authority shall find that all of the following are true:

- (a) The proposed development is consistent with the County General Plan and any applicable plan.
- (b) The physical characteristics of the site have been adequately assessed and that the site for the proposed development is adequate in size and shape to accommodate said use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required.
- (c) The site for the proposed development has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed development.
- (d) Adequate public services and facilities exist, or will be provided in accordance with the conditions of development plan approval, to serve the proposed development and that the approval of the proposed development will not result in a reduction of such public services to properties in the vicinity to be a detriment to public health, safety and welfare.
- (e) The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area.
- (f) The improvements required per the conditions of development plan approval, and the manner of development adequately address all natural and manmade hazards associated with the proposed development and the project site including, but not limited to, flood, seismic, fire and slope hazards.
- (g) The proposed development carries out the intent of the planned development provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.

- (h) If the development proposes to intermix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in such a manner that it is buffered from the commercial use and is provided sufficient amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. Such amenities may include, but are not limited to, private open space, private or separated entrances, landscaping, etc.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

83.030225 Concurrent Subdivision Applications.

Applications for a planned development shall not constitute an application for subdivision. If a subdivision of land is proposed in conjunction with a planned development project, separate application, review and findings shall be made in accordance with the provisions of this Code.

In the event a tentative subdivision map application is concurrently filed with a planned development application, expiration of an approved or conditionally approved planned development site plan, shall terminate all proceedings or any associated land use application. No final subdivision map or parcel map of all or any portion of the real property included within such a planned development site plan shall be filed for record without first processing a new planned development site plan.

Readopted Ordinance 3341 (1989)

83.030230 Development Plans.

A detailed site plan or development plan shall be submitted with all planned development proposals. All such development plans shall contain sufficient detail to depict the manner in which the proposed development complies with the provisions of this article and that of Division 8 of this Title.

Planned development requests for mixed use projects or projects with more than five hundred (500) dwelling units may be submitted in two stages. The first stage shall be referred to as a Preliminary Development Plan and the second stage shall be referred to as a Final Development Plan. Preliminary Development Plans and Final Development Plans are defined as follows:

- (a) Preliminary Development Plan.

A Preliminary Development Plan (PDP) functions as a development suitability analysis and a comprehensive plan of the proposed developments. The PDP:

- (1) Identifies and quantifies the constraints and opportunities for development as follows:
 - (A) The physical characteristics of the site;
 - (B) Available public services and facilities;
 - (C) The capacity of the existing circulation system; and
 - (D) The existing and planned land use of adjacent properties.
- (2) Establishes a list of specific limits, parameters and planning objectives to guide development based on the identified development constraints and opportunities.
- (3) Describes one or more potential development schemes derived from the limits, parameters and planning objectives controlling the development. Each proposed development scheme shall describe:
 - (A) Proposed land uses and approximate distribution of such land uses;
 - (B) Proposed density of residential uses;
 - (C) Estimated population;
 - (D) Estimated service demands;
 - (E) The anticipated impact on the existing circulation system;
 - (F) The anticipated impact on adjacent properties;
 - (G) The relationship of the plan to the various elements of the County General Plan; and
 - (H) The anticipated types of commercial and industrial uses.
- (4) Sets forth in the form of a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established limits, parameters and planning objectives controlling development. Said plan shall describe in detail the following:

- (A) Proposed land uses and building types, the functional arrangement of such uses and building types and relationship to site, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties;
- (B) How the established limits, parameters and planning objectives have been adhered to;
- (C) The level of public services and facilities required by the proposed development and the program for providing, operating and maintaining such services and facilities;
- (D) Access and circulation requirements;
- (E) Known manmade and natural hazards and methods for mitigation of such hazards;
- (F) Significant natural features and areas to be retained for common open space, and provisions for the preservation, conservation, utilization and maintenance of such areas; and
- (G) How the plan conforms to the objectives of the County General Plan and the planned development provisions of this Code.

(b) Final Development Plan.

The Final Development Plan is a detailed site plan which sets forth the location and dimensions of all uses and structures in sufficient detail to permit recordation and preparation of construction drawings.

The Final Development Plan shall comply with all approved Preliminary Development Plans. If no such Preliminary Development Plan has been approved, the Final Development Plan shall also meet the requirements for Preliminary Development Plans for the project site.

(c) Application Procedures For Staged Development.

- (1) An applicant may file the preliminary with the final development plan, with the consent of the planning officer.

(2) An application for a Preliminary Development Plan shall encompass all the land included within the planned development. A Final Development Plan may be for a portion of the land included within the planned development or a phase thereof, provided that:

(A) Each phase shall function as a complete and separate development from the remaining phases; and

(B) Any densities proposed or open space areas provided within the subject phase shall not result from a transfer of density from adjoining phases.

(d) Preapplication Conference.

Prior to the formal submission of a planned development application, the applicant shall meet with the Design Review Committee in order to acquaint the applicant with the procedural requirements of the planned development provisions of this Code and to discuss the general acceptability of the plan and its compatibility with applicable policies, issues and development regulations. The preapplication conference shall be required for mixed use, staged development plans only.

(e) Conformance of Plans.

Each final development plan shall substantially conform to the preliminary development plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3427 (1990)

Article 3. Land Use Review.

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83.030305 Land Use Review Criteria.

- (a) A Land Use Review shall be required to authorize the construction, alteration or expansion of every use that is allowed by a land use district subject to a Land Use Review provided such use complies with all established development standards contained in this Title or adopted administratively by the Board of Supervisors.
- (b) A Land Use Review shall be required to authorize an expansion or change of use which would require additional parking.
- (c) A Land Use Review shall be required to authorize the expansion, alteration or disturbance of land associated with **any use subject to a Conditional Use Permit or Department Review**, which cumulatively involves no more than twenty-five percent (25%) of the ground area covered by the land use or square footage of the original structure.
- (d) **For those uses subject to a Land Use Review as reflected within each land use district, the Land Use Review is authorized for the expansion, alteration, or disturbance of land greater than twenty-five percent (25%) of the ground area covered by the original land use or the square footage of the original structure provided the total square footage of the land use or square footage of the structure after expansion, alteration or disturbance of land is less than ten thousand (10,000) square feet.**
- (e) A Land Use Review shall be required to authorize the alteration or expansion of an existing publicly owned institutional structure which is less than ten thousand (10,000) square feet in area and is expanded by no more than five thousand (5,000) square feet.
- (f) A Land Use Review shall be required prior to the issuance of building permits for land uses with a Conditional Use Permit issued prior to July 1, 1991 in order to insure compliance with all conditions of approval and applicable development standards. This subsection shall sunset on July 1, 1998.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3565 (1993); Amended Ordinance 3657 (1996)

83.030310 Procedures.

- (a) The Land Use Review procedure is intended to provide a less formal review than that for the Conditional Use Permit or Department Review. After application acceptance, referrals may be requested to ensure all appropriate agencies are noticed. The project planner shall review the application according to established departmental procedures.
- (b) Procedure: Staff Review without Notice.
- (c) Reviewing Authority: Director of Planning.
- (d) Findings. Prior to accepting or approving an application for a Land Use Review, the reviewing authority shall find:
 - (1) The project complies with all development standards set forth in the Development Code or adopted by the Board of Supervisors.
 - (2) There is supporting infrastructure, existing or available, consistent with the designated improvement level, to accommodate the proposed development without significantly lowering service levels.
 - (3) The proposed use and manner of development are consistent with the goals, policies, standards and maps of the General Plan or any applicable specific plan.
 - (4) There are no circumstances which would result in a need for environmental review.
 - (5) The project, due to the proposed use, location, hours of operation or intensity of development, will not generate sufficient controversy to warrant additional review.

If the proposed project fails to satisfy any of the above listed findings, it will be either denied/rejected or subject to the Department Review or Conditional Use Permit processes.
- (e) All references to the "Land Use Compliance Review" in this Title shall mean the "Land Use Review."

Readopted Ordinance 3341 (1989); Amended Ordinance 3565 (1993)

Article 4. Occupancy Review.

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83.030405 Occupancy Review Criteria.

Any project attempting to qualify for the Occupancy Review process must be allowed in the land use district in which it is located, be a Group B occupancy as defined by the Uniform Building Code, and be exempt from the California Environmental Quality Act (CEQA) which generally requires a project to meet one or more of the following criteria:

(a) Existing facilities:

- (1) Interior or exterior alterations on projects which have an approved plot plan involving such things as interior partitions, plumbing and electrical conveyances with no increase in the square footage of the building; or
- (2) Existing structures or uses which have an approved plot plan; or
- (3) Existing structures or uses existing prior to the implementation of zoning and/or this Title of the San Bernardino County Code which meet either of the following circumstances:
 - (A) Existing structure or use has been in continuous use; or
 - (B) Electrical meter was removed less than 180 days prior to application submittal for the Occupancy Review.
- (4) Additions to existing structures provided that the addition would not result in an increase of more than 15% of the floor area of the use before the addition or 1,000 square feet, whichever is less.

(b) New construction (structure) or new uses must meet the following:

- (1) The use must be allowed in the land use district in which it is located subject to a Land Use Review; and
- (2) The structure must be a Group B occupancy as defined by the Uniform Building Code and be designed for an occupant load of 30 persons or less; and

- (3) The project must meet the design standards included in this Title, other applicable codes and the Administrative Design Standards adopted by the Board of Supervisors; and
- (4) The project will not be involved with the use of toxic or hazardous materials other than would normally be associated with Group B occupancies.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3565 (1993); Amended Ordinance 3616 (1995)

83.030410 Procedures.

- (a) The Occupancy Review procedure is intended to provide a less formal review than that for the Conditional Use Permit, Department Review or Land Use Review. It is intended for this review to be conducted in conjunction with the construction plans review.
- (b) After application acceptance, staff will review the project to ensure that all established standards are met. If the project does not comply with these standards, the review shall be elevated to a Land Use Review, a Department Review or Conditional Use Permit review.
- (c) After an applicant has received an approval for an Occupancy Review Application, he/she may not apply for a second Occupancy Review for the same piece of property unless two years has passed from the first approval. Any subsequent development on the subject property within the two-year period will require review through the Land Use Review, Department Review or the Conditional Use Permit process.
- (d) Procedure: Staff Review without Notice.
- (e) Reviewing Authority: Director of Building and Safety.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3565 (1993)

83.030415 Nonresidential Structures.

Commercial coaches, and appropriate structures constructed in accordance with the applicable code in effect at the time of manufacture may be used for nonresidential structures, subject to the issuance of an Occupancy Review, if it is placed on a permanent foundation and meets all the criteria for an Occupancy Review. Such nonresidential structures may be used to provide office, retail, meeting assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial, or institutional uses. The Building Official shall determine that the proposed use has adequate access, circulation, parking, fencing, lighting, signage, landscaping and appropriate buffering from abutting uses as required by this Code and the applicable land use district.

Adopted Ordinance 3612 (1995); Amended Ordinance 3864 (2002)

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Article 5. Certificate of Land Use Compliance.

Sections:

83.030505 Procedures.

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83.030505 Procedures.

(a) The Certificate of Land Use Compliance is used to certify the legal use of property, establish termination dates for nonconforming uses, disclose in public record conditions of operation and any other long term conditions or restrictions that apply to the subject use or property.

(b) Filing Criteria.

The Planning Agency may require the filing of a Certificate of Land Use Compliance as a condition of approval of any land use application. The certificate shall reflect the information required by the Planning Agency and acknowledged by the applicant. The Planning Agency shall cause the certificate to be filed for record with the County Recorder.

(c) Content.

(1) The certificate shall identify the real property involved.

(2) The certificate shall certify that a given use is legally authorized by the County and identify any land use application that was filed to authorize the development.

(3) The certificate shall list the conditions for the development and operation of a use on the site including any required time limits for the termination of nonconforming uses or structures.

(d) Procedure: Staff Review Without Notice

Reviewing Authority: Planning Director

Chief of the Division of Environmental Health Services
Chief, County Fire Department

Director of Architecture, Building and Engineering

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3611 (1995); Amended Ordinance 3657 (1996)

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Article 6. Special Use Permit.

Sections:

83.030605 Procedures.

Page

3-55

83.030605 Procedures.

- (a) The Chief of the Division of Environmental Health Services of the Public Health Department or the **Director of Land Use Services** shall review and act upon requests for Special Use Permits subject to the findings and conditions for each use type as cited within the section of this Code that provides for said use.
- (b) Procedure: Staff Review With Notice.
Reviewing Authority: Chief of the Division of Environmental Health Services
Director of Land Use Services
- (c) When necessary, the **reviewing authority** may hold an advertised meeting to consider evidence and take testimony prior to acting upon an application for a Special Use Permit.
- (d) **Revocation of Permits: Failure of the applicant or operator to comply with any or all established standards or conditions of approval at any time may result in the revocation of the permit provided the applicant is given adequate notice and opportunity to correct the problem or comply with the conditions of approval. Revocation of a permit is appealable to the Planning Commission. The action taken by the Planning Commission shall be final.**

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3611 (1995); Amended Ordinance 3825 (2001)

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Article 7. Temporary Use Permit.

Sections:

83.030705 Procedures.

Page

3-57

83.030705 Procedures.

- (a) The **Chief of the Division** of Environmental Health Services **of the Public Health Department**, Building Official, **Fire Chief, or Planning Director** shall review and act upon all requests for Temporary Use Permits (T.U.P.) or extensions thereof, subject to the findings and conditions specified for each use by the section of this Code that provides for said use.
- (b) Temporary Use Permits shall be first issued for a period of time not to exceed twelve (12) months. Extensions to such permits may be granted for additional periods of time, each of which shall not exceed twelve (12) months.
 - (1) A Temporary Use Permit shall not be extended for any period of time to exceed five (5) years after the date the Temporary Use Permit was first issued.
 - (2) **Temporary Use Permits may be subject to** conditions, where required by this **Title** or where it is determined reasonable and necessary to do so.
 - (3) Prior to **extending** a Temporary Use Permit **for the maximum allowable period**, the reviewing authority shall require the permittee **to** submit and obtain **the reviewing authority's** approval of a plan of action either **to** remove the **use** or replace **it** with a legally established permanent use.
 - (4) A temporary use or structure which does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Code and other applicable laws.
 - (5) A **Temporary Use Permit is not extended by a** change of ownership or operator of **the** use or structure, a change or modification of the structure or a **change of the permitted use, unless an extension is expressly approved.**

(6) When the last period of time allowed by this chapter has lapsed, the Temporary Use Permit and any extension thereof shall be considered void. A temporary use or structure that was allowed on a subject parcel **by a** previous Temporary Use Permit may not be reinstated by a new Temporary Use Permit for any time period beyond the final period of time that would have been allowed **under** the original Temporary Use Permit.

(c) Procedure: Staff Review Without Notice.

Reviewing Authority: Chief of the Division of Environmental Health Services
Chief, County Fire Department
Building Official
Planning Director

(d) Cancellation of a Temporary Use Permit.

Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Temporary Use Permit. The reviewing authority shall give notice of such an action to the permittee. The permittee may appeal such a decision by filing an appeal as allowed and specified in this chapter.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3611 (1995); Amended Ordinance 3654 (1996)

Article 8. Sign Location Plan.

Sections:

83.030805 Procedures.

Page

3-59

83.030805 Procedures.

- (a) The **Director of Land Use Services, or an authorized designee**, shall review and act upon requests for, and amendments to, an approved Sign Location Plan.
- (b) Procedure: Staff Review Without Notice.
- (c) Findings. Prior to acting upon a request for a subdivision Sign Location Plan, the reviewing authority shall find that all of the following are true:
 - (1) That signs constructed in accordance with the proposed Sign Location Plan will be compatible with the character of the community or communities in which the sign structures are to be located.
 - (2) That the construction of sign structures in accordance with the proposed Sign Location Plan will not have an adverse affect upon properties adjoining the proposed sign location.
 - (3) That the construction of sign structures in accordance with the proposed Sign Location Plan will be consistent with the policies contained within the County General Plan and any applicable plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3611 (1995);
Amended Ordinance 3870 (2002)

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Article 9. Variance Review.

Sections:

83.030905 Procedures.

Page

3-61

83.030905 Procedures.

- (a) Provisions for Variances (exceptions to standards) set forth in this Code are established to insure that any property, because of special circumstances, such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity.
- (b) The Building Official, or the **Chief of the Division** of Environmental Health Services **or the Chief, County Fire Department** when designated by the Building Official, may approve requests for Minor Variances to modify the following requirements of this Code:
 - (1) Parking improvements.
 - (2) Up to thirty percent (30%) of parking and loading space requirements, not to exceed two (2) spaces.
 - (3) Up to forty percent (40%) of front yard setback requirements, but no closer to the property line than fifteen (15) feet in the valley and desert areas and ten (10) feet in the mountain area.
 - (4) Up to forty percent (40%) of side yard setback requirements, but no closer than three (3) feet from property line.
 - (5) Up to thirty percent (30%) of rear yard setback requirements, but no closer than ten (10) feet from property line.
 - (6) Up to thirty percent (30%) of area requirements, excluding lot area requirements.
 - (7) Up to thirty percent (30%) of height limitations, except that any height deviation not exceeding two (2) feet in height shall also be considered a Minor Variance.
 - (8) Up to thirty percent (30%) of sign height and setback limitations.

- (9) Up to one hundred percent (100%) of sign number limitations not to exceed four (4) signs.
- (10) Up to thirty percent (30%) of standards set forth in overlay districts.
- (11) Sign area limitations not to exceed ten percent (10%) of total sign area.
- (12) Up to fifty percent (50%) of maximum gross floor area requirements.
- (13) Up to twenty percent (20%) of minimum floor width of single residential design standards.
- (14) Any manufactured home label or tag requirements of the single residential design standards.
- (15) **Setback requirements in the Mountain Area for garages and carports no closer than 10 feet from the existing edge of pavement of the roadway. Administrative criteria for variances for these structures shall be established by the Building Official. Those proposals that do not meet these criteria shall be submitted to the County Department of Public Works, with the appropriate fee, for road safety evaluation. Architectural design and construction materials shall be compatible with the visual setting of the surrounding area. The requirements of Section 87.0815 regarding Clear Sight Triangles shall not apply to such variances.**

(c) Any request for a variance other than a Minor Variance shall be termed a Major Variance and shall be reviewed and acted upon by the Planning Officer.

(d) Procedure: Staff Review With Notice.

Reviewing Authority: Director of Planning
 Director of Architecture, Building and Engineering
 Chief of the Division of Environmental Health Services
 Chief, County Fire Department

(e) When necessary, the reviewing authority may hold an advertised hearing to consider evidence and take testimony prior to acting upon a request for variance and establish any necessary conditions of approval.

- (f) Prior to approving a request for a variance, the reviewing authority shall find that the following are true:
- (1) The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.
 - (2) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity.
 - (3) The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
 - (4) The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in the County General Plan and any applicable plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3427 (1990); Amended Ordinance 3611 (1995); Amended Ordinance 3714 (1998); Amended Ordinance 3864 (2002)

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Article 10. Flood Hazard Development Review.

Sections:

83.0301005 Procedures.

Page

3-65

83.0301005 Procedures.

- (a) A Flood Hazard Development Review shall be completed prior to approval of a land use application or issuance of a development permit in specified areas or where required by the Director of the Department of Land Management, Environmental Health Services, or the Flood Plain Management Administrator.
- (b) The County Surveyor, Land Development Review Division, Drainage Section shall review and act upon requests for Flood Hazard Development Reviews. The County Surveyor's recommendations from such reviews shall be incorporated into the requirements of the development permit and/or the land use application review.
- (c) Procedure: Staff Review Without Notice

Reviewing Authority: Director of Land Management

- (d) Application Requirements. Application for a Flood Hazard Development Review shall be made on forms furnished by the Floodplain Management Administrator and may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of all the foregoing. The following information shall be submitted with the application:
 - (1) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures in any flood prone area and the elevation of highest adjacent grade.
 - (2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed.
 - (3) All appropriate certifications stated in Subsection 82.0601(d).
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

- (5) A plot plan of the property proposed to be developed showing floodways and floodplains, including adjoining properties necessary to be shown for continuity.
 - (6) The accurate contour of the land at intervals of not more than two (2) feet if the general slope of the land is less than ten percent (10%) or of not more than five (5) feet if the general slope of the land is ten percent (10%) or more.
 - (7) Elevations, in relation to mean sea level, of the area to be developed, including adjoining properties necessary to be shown for continuity.
 - (8) The method by which the applicant proposes to comply with the requirements of this section including proposed elevations of any structures or fills, floodproofing any proposals to modify existing flow of storm waters and any other relevant information.
 - (9) After reviewing any request filed under the provisions of this section, the County shall either approve, approve with modifications or conditions, or deny the proposed land use application or development permit.
- (e) Where a Flood Hazard Development Review has been completed the reviewing authority shall note the elevation of the first habitable floor of a proposed structure on the development permit and confirm that it is either one (1) foot above:
- (1) The base flood elevation in any area designated as an FP1 Overlay District, or
 - (2) The adjacent ground level in any area designated as an FP2 Overlay District.
- (f) In areas subject to a preconstruction flood hazard inspection, the structure shall be sited to modify or maintain the natural drainage way in a manner acceptable to and approved by the County Surveyor, Drainage Section.

- (g) A Flood Hazard Development Review may also authorize structural encroachments on private property into San Bernardino County drainage easements, offers of dedication for drainage purposes, and those building setback areas established adjacent to drainage courses.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

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Article 11. Pre-construction Inspection.

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83.0301105 Purpose.	3-69
83.0301120 Inspection.	3-69

83.0301105 Purpose.

The provisions of this chapter are enacted to regulate construction of proposed structures within local flood hazard areas that are not within a designated Flood Plain Safety (FP) Overlay District or Floodway (FW) Land Use District.

Readopted Ordinance 3341 (1989)

83.0301120 Inspection.

- (a) No person, except as provided in this chapter, shall commence with a disturbance of land (e.g. grading or land clearing) and/or construction activity which has the potential to affect a discernible water course without first obtaining approval to assure that said disturbance and/or construction activity will not increase the velocity or alter the direction or point of discharge of a local drainage course in such a manner that it negatively effects the proposed structure(s) or other properties downstream.
- (b) A pre-construction Flood Hazard Inspection shall be conducted by the Building Official prior to approval of any development permit, except where a land use application has previously been approved authorizing such land disturbing or construction activity.
- (c) The **Building Official** shall determine, upon visual inspection of the site and **review of any pertinent available resources**, whether there is evidence of a discernible watercourse which could effect or could be affected by the proposed improvements or land disturbing activity.
 - (1) If the **Building Official** determines no such evidence exists, it shall be indicated in writing that the site has passed the pre-construction Flood Hazard Inspection **and review**.
 - (2) If evidence of a discernible watercourse exists, the Building Official shall require a Flood Hazard Development Review by the County **Transportation/Flood Control Department**, Drainage section which will provide further review of the site and proposed improvements.

- (c) All preconstruction Flood Hazard Inspections referred to the County Surveyor, Drainage Section, shall be subject to the provisions of the Flood Hazard Development Review prior to issuance of any development permit or approval of a land disturbing activity.

Readopted Ordinance 3341 (1989); Amended Ordinance 3714 (1998)

**Article 12. Extension of Nonconforming Use Amortization Period
(Adult-Oriented Businesses)**

Sections:	Page
83.0301205 Procedures.	3-71

83.0301205 Procedures.

- (a) An application for extension of the amortization period for an adult oriented business which is a nonconforming use shall be made as provided in Section 84.0815(d)(2).
- (b) Procedure: Public Hearing.
- (c) Reviewing Authority: Planning Commission.
- (d) Criteria and Findings. In determining whether to grant an extension of the amortization period for an adult-oriented business which is a nonconforming use, and in determining the appropriate length of such an extension, the reviewing authority shall consider the amount of investment in the business, the opportunities for relocation to a legally permissible site, the costs of relocation and the effects of the business on the surrounding area. The reviewing authority shall receive and consider evidence presented by the applicant and any other persons, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria set forth above.

Adopted Ordinance 3465 (1991)

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Article 13. Department Review

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83.0301305 Intent.

It is the intent of this Article to provide an expedited review process for certain projects which might otherwise require a Conditional Use Permit. Department Review is designed to provide ministerial review for minor projects and intermediate discretionary review for projects which do not meet established development standards.

Adopted Ordinance 3483 (1992)

83.0301310 Procedures.

- (a) In accordance with the provisions of this section, the Director of Planning may use a Department Review in lieu of a Conditional Use Permit that is otherwise required by this Title, except for those uses identified in Section 83.0301315 that specifically do not qualify for a Department Review.
 - (1) Procedure: Staff Review Without Notice.
 - (2) Reviewing Authority: County Director of Planning.
- (b) Findings. Prior to accepting or approving an application for a Department Review, the reviewing authority shall find:
 - (1) The site is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other required features.
 - (2) The site has adequate access.
 - (3) There is supporting infrastructure, existing or available, consistent with the designated improvement level, to accommodate the proposed development without significantly lowering service levels.

- (4) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof. The use will not generate excessive noise, vibration, traffic or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.
- (5) The proposed use and manner of development are consistent with the goals, policies, standards and maps of the General Plan and any applicable specific plan.
- (6) There are no circumstances which would result in standards or conditions not being able to adequately mitigate environmental impacts.
- (7) The project must be planned for immediate development and does not include phased development.
- (8) The results of a special study prepared on the subject property (i.e., geologic study) do not indicate that a more substantive review is required.
- (9) The project is not likely to result in controversy.

If the proposed project fails to satisfy any of the above listed criteria, it will be subject to the Conditional Use Permit review process.

- (c) An application which has been accepted for Department Review may be approved ministerially if the Director of Planning makes the additional finding that the project complies with all development standards set forth in this Title or adopted by the Board of Supervisors. If the proposed project fails to satisfy this additional finding, it will be processed as a discretionary review.

Adopted Ordinance 3483 (1992)

83.0301315 Uses Which Do Not Qualify for a Department Review.

- (a) **In Any Land Use District.**
 - (1) **All phased projects.**
 - (2) **Any project required to be filed concurrently with a Final Development Plan.**

- (3) Projects with natural slopes of 30% or greater on any portion of the site that is to be developed.
- (4) Museums, art galleries, auditoriums, libraries, planetariums, aquariums, zoos, botanical gardens and arboretums, with over 200 parking spaces.
- (5) Institutional uses including, but not limited to, schools, colleges and universities, conference centers, organizational camps, correctional facilities and hospitals, with over 200 parking spaces, unless otherwise regulated within the Institutional Land Use District.
- (6) Churches.
- (7) Bed and Breakfast (having three or more guest rooms).
- (8) Cemeteries, including pet cemeteries, subject to Design Standards and the mapping requirements specified by this Title.
- (9) Intensive sports oriented recreational uses such as racetracks, stadiums, arenas, field houses, rodeo facilities, off road vehicle parks, ski resorts or recreational vehicle parks with 50 or more spaces except in the Rural Commercial or Highway Commercial Land Use Districts.
- (10) Development of natural resources including, but not limited to: mineral deposits, extraction, natural vegetation and energy sources, together with the necessary buildings, apparatus or appurtenances incidental thereto.
- (11) Permanent government facilities and enterprises (Federal, State and Local) where buildings and/or property are publicly owned or leased with over 200 parking spaces.
- (12) Recreation and community centers, gymnasiums, athletic clubs with over 200 parking spaces.
- (13) Potentially hazardous uses.
 - (A) Projects which require a Health Risk Assessment.

- (B) Hazardous Waste Operations. Establishments involved in the transfer, storage, treatment, incineration, recycling or disposal of waste material that could pose a threat to human health or the environment if not handled properly.
 - (C) Industrial uses requiring extensive buffering from other land uses for the preservation of the health, safety and welfare of the general public.
 - (D) Solid waste disposal sites, and rubbish incinerators.
 - (E) Sewer plants and sewage disposal sites.
 - (F) Gas production plants.
 - (G) Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus, or appurtenances incidental thereto, including, but not limited to, airports, heliports and train stations.
- (b) Resource Conservation (RC) District.
- (1) Wholesale Trade of Livestock (e.g. animal auctions).
 - (2) Agricultural Support Services.
- (c) Agriculture (AG) District. None.
- (d) Rural Living (RL) District.
- (1) Mobilehome parks of 10 or more units.
 - (2) Agricultural Support Services as a primary use.
- (e) Single Residential (RS) District. Mobilehome Parks with 10 or more units.
- (f) Multiple Residential (RM) District.
- (1) Multiple dwelling unit (over twenty units).
 - (2) Mobilehome Parks with 50 or more units.

- (g) Office Commercial (CO) District. Projects greater than 40,000 square feet of building area.
- (h) Neighborhood Commercial (CN) District. Projects greater than 30,000 square feet of building area.
- (i) Rural Commercial (CR) District.
 - (1) Projects greater than 30,000 square feet of building area.
 - (2) Multiple Dwelling Unit (over twenty units).
 - (3) Mobilehome Parks of twenty or more units.
- (j) Highway Commercial (CH) District. Projects greater than 40,000 square feet of building area.
- (k) General Commercial (CG) District.
 - (1) Projects greater than 80,000 square feet of building area.
 - (2) Adult Oriented Businesses.
- (l) Service Commercial (CS) District. Projects greater than 80,000 square feet of building area.
- (m) Community Industrial (IC) District. Projects greater than 80,000 square feet of building area.
- (n) Regional Industrial (IR) District.
 - (1) Projects greater than 80,000 square feet of building area.
 - (2) Manufacturing Operations projects, which may be under 80,000 square feet of building area, generally involving the conversion of raw materials to intermediate or finished products. Such uses generally involve storage of large amounts of raw materials and include, but are not limited to:
 - (A) Food and Kindred Products (slaughter houses, flour mills).
 - (B) Textile Mill Products (textile mills).

- (C) Lumber and Wood Products (saw mills).
- (D) Paper and Allied Products (paper mills).
- (E) Chemicals and Allied Products (all such uses).
- (F) Petroleum Refining and Related Industries (all such uses).
- (G) Rubber and Miscellaneous Plastic Products (all such uses).
- (H) Stone, Clay and Glass Products (brick, tile, dish, glass and insulation manufacturing, concrete plants).
- (I) Primary Metal Industries (all such uses).
- (J) Fabricated Metal Products (automobile assembly plants)
- (K) Miscellaneous Manufacturing (fur dressing and dying).
- (o) Institutional (IN) District. Institutional uses greater than 80,000 square feet of building area.
- (p) Floodway (FW) District.
 - (1) The wholesale trade of livestock.
 - (2) Cow and goat dairies.
 - (3) Hog ranches and calf growing ranches.
 - (4) Agricultural Support Services.
- (q) Planned Development (PD) District. None.

The term "projects" in the subsections above refers to all projects that are identified as "Land Uses Subject to a Conditional Use Permit" in that specific land use district. When the cumulative impact of successive projects of the same type on the same parcel or within the same ownership, over time exceed the thresholds (square footage or parking space limitations) provided above, new projects in that area will always require a Conditional Use Permit.

Adopted Ordinance 3565 (1993)

ARTICLE 14. Housing Incentives Program (HIP)

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83.0301405 Housing Incentives Program Density Bonuses.

A twenty-five percent density bonus above the density allowed by the General Plan shall be granted to proposed housing developments which include construction of affordable dwelling units in accordance with California Government Code Section 65915, et seq., as consideration for compliance with all terms of a duly executed and authorized Housing Incentives Program Developer Agreement and all requirements of any applicable statutes and regulations. As an additional incentive, all Housing Incentives Program projects shall receive expedited processing.

Adopted Ordinance 3500 (1992)

83.0301410 Housing Incentives Program Review Criteria.

The review procedure set forth in this section shall be required for any proposed housing project which includes a request for a density bonus under the Housing Incentives Program.

- (a) A Housing Incentives Program Pre-Application Conference shall be required when affordable housing projects are proposed which require a Conditional Use Permit, Planned Development application, and/or Tentative Tract application. The Housing Incentives Program Pre-Application Conference may be waived at the written request of the applicant. Any Housing Incentives Program application may be reviewed as part of the other application submitted.
- (b) Affordable housing projects which qualify for a Department Review application shall be reviewed in accordance with the procedures established in Section 83.030130 of this Title. No separate Housing Incentives Program Pre-Application Conference shall be conducted for affordable housing projects processed under the Department Review application procedures.
- (c) Multi-residential affordable housing projects which do not qualify for a Department Review shall be reviewed in accordance with the procedures established for Conditional Use Permit Review in Article 1, or Planned Development Review in Article 2 of this Chapter.

- (c) Single residential affordable housing projects shall be reviewed in accordance with the procedures established for the Planned Development Review in Article 2 of this Chapter.

Adopted Ordinance 3500 (1992)

Article 15. ABC Licensing

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83.0301505 ABC Licensing.

State law requires a local jurisdiction to make a “public convenience or necessity” determination prior to the State Department of Alcoholic Beverage Control (ABC) issuing a liquor license under certain circumstances. Refer to Division 9 of the State Business and Professions Code for specific State requirements and definitions regarding alcoholic beverage control. Sections 23958, 23958.4 and 23817.7 of that code specifically address State licensing requirements.

Adopted Ordinance 3684 (1997)

83.0301510 Procedures.

- (a) The Planning Director shall review and act upon a request for a letter of “public convenience or necessity” when it is required from the local jurisdiction by ABC. If such a request is determined to be controversial, the review shall be referred to the Planning Commission for action. Right to appeal staff or Planning Commission action are as provided in Article 6 of Chapter 1 of Division 3 of this Title.
- (b) Notification: Notice shall be given by first class mail or delivery to all surrounding property owners within five hundred (500) feet of the boundaries of the proposed establishment when such a request is submitted to the County for review. A sign that is at least sixteen (16) square feet shall be posted on the site to notify residents within the area of the proposed establishment. Text of the sign shall conform with the guidelines provided by the Planning Department. This sign shall be placed in manner that it is easily visible from the street but not within the clear sight triangle of any driveway or intersection. Once the sign has been installed, review of the license request will proceed. Action on the request shall not be taken until the sign has been in place for at least fourteen (14) days. Said sign shall be removed within fourteen (14) days of the date of the final action taken on the license request application. If the applicant can prove to the Planning Department that surrounding residents within five hundred (500) feet of the boundaries of the proposed establishment can be notified by mail, mailing notices to these residents may be used in lieu of the sign as an alternative method of notification. These notices may be addressed to “Occupant” or to specific individuals.

- (c) Procedure: Staff Review With Notice.
- (d) Reviewing Authority: Planning Director.
- (e) Finding: Prior to issuing a letter of “public convenience or necessity” for an ABC license, the reviewing authority shall find that the following is true:

A public convenience or necessity would be served by the granting of such license.

Adopted Ordinance 3684 (1997)

CHAPTER 4

DIVISION OF LAND PROCEDURES

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Article 1. GENERAL PROVISIONS

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83.040105 General Provisions.

The provisions defining and regulating the review and approval of tentative, final, and parcel maps; lot line adjustments; lot mergers; reversions to acreage; certificates of subdivision compliance, and official maps shall be governed by this Division, except as otherwise indicated by this section.

- (a) Authority for Local Regulations. Pursuant to the provisions of California Government Code, Title 7, Division 2, referred to herein as the Subdivision Map Act, and in addition to any regulations otherwise provided by law, the regulations contained in this division shall apply to all subdivisions, parts of subdivisions, lot line adjustments, lot mergers, reversions to acreage, certificates of compliance, and official maps hereafter made entirely or partially within the unincorporated territory of San Bernardino County.

- (b) The designation, establishment, duties, and meeting dates of the reviewing authorities, including the Planning Agency and the Development Review Committee, shall be as specified by Division 2 of this Title.
- (c) Review procedures and findings for approval shall be as specified by this Division.
- (d) Terms used within this Division are defined as specified in Division 12 of this Title.

Readopted Ordinance 3341 (1989)

83.040110 Review Procedures.

- (a) Tentative Tract Map and Vesting Tentative Map Procedures
 - (1) The Planning Officer shall utilize the Administrative Review Procedures, in accordance with the provisions of Subsection 83.010215(b), when acting upon any: Tentative Map proposing five (5) or more lots; all Vesting Tentative Maps; and any Tentative Map which requires a Final Map for recordation. However, when such map is referred to the Planning Commission for action, the Public Hearing Procedures shall be utilized.
 - (2) Reviewing Authority:

The Planning Officer shall be the decision-making authority except that under any of the following circumstances, the project may be referred to the Planning Commission:

 - (A) Where there has been substantial public opposition to the proposal.
 - (B) Where the proposal is filed concurrently with an application subject to public hearing review procedures.
 - (C) Where any member of the Development Review Committee objects to the proposal.

(b) Tentative Parcel Map/Minor Subdivision Procedures.

- (1) Procedure: Staff Review with Notice procedures shall be used except that Development Review procedures shall also be used when the project is of the type described in California Government Code Section 66426(a), (b), (c) or (d).
- (2) Reviewing Authority: The Planning Officer shall be the decision-making authority except, when in the opinion of the Planning Officer, the proposal is controversial or when the proposal is filed concurrently with an application subject to public hearing procedures at which time the proposal shall be referred to the Planning Commission and the Public Hearing Procedures shall be followed.

(c) Findings. Prior to approving an application for a tentative map or a vesting tentative map, a parcel map or a minor subdivision plot plan, the Planning Agency shall find the following to be true:

- (1) The proposed subdivision, together with the provisions for its design and improvements is consistent with the General Plan and any applicable specific plan.
- (2) The site is physically suitable for the type and proposed density of development.
- (3) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.
- (4) The design of the subdivision or the type of improvements are not likely to cause serious public health problems.
- (5) The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- (6) The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities.

- (7) The proposed subdivision, its design, density and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.
- (8) If the proposed subdivision is a conversion of residential real property into a condominium project, a community apartment project or a stock cooperative project, the Planning Agency must make the additional finding that the proposed subdivision shall comply with the requirements of California Government Code Sections 66427.1(a) and 66452.10 prior to approving the proposed subdivision.
- (9) If the proposed subdivision is within an Agriculture Preserve, it must comply with Section 66474.4 of the Government Code (Subdivision Map Act) and the findings contained therein, whether or not the land is currently under contract.
- (10) Land Project Determination.
 - (A) The proposed subdivision is not a land project; or
 - (B) The proposed subdivision is a land project; a specific plan covering the area proposed to be included within the project has been adopted by the Board of Supervisors; and the proposed subdivision together with the provisions for its design and improvement are consistent with the adopted specific plan.
- (d) Notwithstanding Subsection 83.040110(c)(3), the Planning Agency may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report was prepared with respect to the project and a finding is made pursuant to Subdivision (c) of Section 21081 of the California Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3499 (1992)

Article 2. TENTATIVE AND FINAL MAP

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83.040201 Filing Criteria for Tentative and Final Maps.

The provisions of this section and the Subdivision Map Act shall govern the necessity for Tentative and Final Maps.

- (a) Tentative and Final Maps shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a multiple dwelling containing five (5) or more dwelling units to a stock cooperative except where:
- (1) A condominium is constructed or an existing structure is converted to a condominium on a single parcel shown on a Final Map or Parcel Map recorded after January 1, 1960. Provided, however, that the Planning Officer may **require a Tentative and Final Map for** the purposes of obtaining improvements, additional easements and dedications, or for other circumstances which warrant the filing of a new map; or
 - (2) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; or
 - (3) Each lot created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
 - (4) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land with a land use district which allows for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

- (5) Each lot created by the division has a gross area of forty (40) acres or more, or each of which is a quarter of a quarter section or larger.
- (b) A Parcel Map shall be required for those subdivisions described in this Division as being exempt from the requirement for Tentative and Final Maps.
- (c) Should the subdivider wish to file multiple Final Maps for a development project that will be phased, then one of the following shall be completed:
 - (1) The subdivider, at the time the Tentative Map is filed, shall inform the Planning Agency of the subdivider's intention to file multiple Final Maps on such Tentative Map; or
 - (2) After the filing of the Tentative Map, the Planning Agency and the subdivider concur in the filing of multiple Final Maps.
 - (3) A subdivider filing multiple Final Maps shall show the boundary limits of each phase and designate the sequence of filing to the satisfaction of the Development Review Committee.
- (d) A Final Map shall be required for a cemetery and shall be recorded only with the approval of the County Surveyor, subject to the requirements imposed by Division 3 Chapter 4 of this Title and Division 8 of the State of California Health and Safety Code.
- (e) Notices of intention to convert residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be made as required by California Government Code Sections 66427.1, 66452.8 and 66452.9 prior to the filing of such map.
- (f) At the time of filing a map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the mobilehome park conversion pursuant to California Government Code Section 66427.4. At least thirty (30) days prior to public hearing for such a conversion, the County shall inform the applicant in writing of the provisions of Section 798.56 of the California Civil Code and all applicable local requirements which impose upon the applicant a duty to notify residents and mobilehome owners of the mobilehome park of the proposed change in use.

- (g) At the time of filing a map for the conversion of a stock cooperative or a community apartment project to a condominium, the subdivider shall submit documents showing that the requirements of California Government Code Section 66452.10 have been met.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.040205 Tentative Map Format.

The content and form of Tentative Maps shall be governed by the provisions of this section.

- (a) Standards and Preparation: The Tentative Map shall be prepared by or under the direction of a registered Civil Engineer licensed to practice surveying or licensed Land Surveyor in accordance with the Subdivision Map Act, the San Bernardino County Code, and any other County ordinance, statute or law, or any amendments thereto, pertaining to the use, sale or lease of land. The Tentative Map shall be prepared in compliance with the officially adopted General Plan, and any applicable specific plan or any amendments thereto, adopted pursuant to the State Planning and Zoning Law and in accordance with the Standard Streets and Highways Plan adopted by the Board of Supervisors, as amended. The Tentative Map shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions and the standards found on record as prescribed by the Office of Planning:
 - (1) Each Tentative Map shall be drawn to an engineer's scale and clearly show the details of the plan thereon. Wherever practicable, such scale shall be one (1) inch to one hundred (100) feet or less, and in no case shall the scale be smaller than one (1) inch to two hundred (200) feet.
 - (2) The tentative maps shall show or be accompanied by the following information:
 - (A) Development proposed on the subdivision (lot sale or building program).
 - (B) Source, name of supplier, quality and an estimate of available quantity of water, or, if to be served by an established mutual water company or an established public utility, a letter shall be furnished to indicate that satisfactory arrangements have been made or can be made for water supply.

- (C) Type of street improvements, utilities, and street lights which are proposed to be installed. Pursuant to California Government Code Section 66473.3, and this Title, this information shall include the type of cable television systems to be installed, if any cable television system is available.
- (D) Proposed Method of Sewage Disposal.

If utilizing sewers, the applicant must furnish a letter from an authorized representative of the entity or agency which will provide such sanitary sewer service, assuring that such entity or agency can and will accept for disposal sewage generated on the land under consideration after its improvement. The Office of Planning shall give written notice to the entity or agency which owns the related sewage treatment plant prior to issuance of the written determination of filing of the proposed subdivision. This filing requirement need not be met when, within fourteen (14) days from the date of providing of the above requirement notice, the entity or agency which owns the related sewage treatment plant has submitted an independently certified engineering report to the Office of Planning which demonstrates that adequate sewage treatment plan capacity is not available.
- (E) The drainage area tributary to the subdivision and a statement setting forth in detail the manner in which storm runoff will enter the subdivisions, the manner in which it will be carried through the subdivision, and the manner in which disposal beyond the subdivision boundaries will be accomplished.
- (F) Topographical and contour data shall be shown pursuant to adopted County standards.
- (G) The widths and locations of all recorded easements which are to remain.
- (H) Names, addresses and telephone numbers of utilities, school districts, fire protection agencies, and cable television services serving the tract.

- (I) Remainder parcels shall be indicated as a "remainder parcel" and shall be subject to review for design access, water and sewer availability and other such improvements as may be necessary to protect the public health, safety and welfare and are consistent with the intent of this Division. Waiver of improvements may be granted for remainder parcels where the size exceeds five (5) acres.
- (J) When any change is made by the subdivider in the statement given in pursuance of this section, such change or changes shall be submitted in writing to the Planning Agency, and approved prior to the recording of the Final Map.
- (K) In the case of a subdivision to convert a mobilehome park to another use, the subdivider shall file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. The report shall discuss the availability of adequate replacement space in mobilehome parks in determining the impact of the conversion on displaced mobilehome park residents. The subdivider shall make a copy of the report available to each resident of the mobilehome park fifteen (15) days prior to the date of the hearing on which the Planning Agency is to take action upon the Tentative Map.
- (L) In the case of a Vesting Tentative Map, at the time it is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(3) Tract Number.

Prior to filing a Tentative Map of a subdivision or Reversion to Acreage, a licensed engineer or surveyor shall obtain a tract number or numbers from the County Recorder. When a number has been assigned by the County Recorder for the subdivision of a particular parcel of land, the subdivider shall place this same number upon each Tentative Map of the subdivision, and the number issued shall not thereafter be changed or altered in any manner upon the Tentative Map of the subdivision unless and until a new number shall have been assigned by the County Recorder.

Readopted Ordinance 3341 (1989)

83.040210 Final Map Format.

The content and form of Final Maps shall be governed by the provisions of this subsection.

- (a) Standards and Preparation. The Final Map shall be prepared by, or under the direction of, a registered Civil Engineer licensed to practice land surveying or licensed Land Surveyor; shall be based upon a survey; and shall conform to all of the following provisions, the California Subdivision Map Act and the County Surveyor's standards as adopted by the Board of Supervisors:
 - (1) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film. Certificates, affidavits and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on a polyester-base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
 - (2) The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
 - (3) All survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and area length or chord bearings and length of all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.
 - (4) Each lot shall be numbered. Each street shall be named.

- (5) The exterior boundary of the land included within the subdivision shall be indicated by an opaque ink line three (3) times as wide as the widest line on the map, excluding the border line. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.
- (6) If the map includes a remainder parcel, and the gross area of the remainder parcel or similar named parcel is five (5) acres or less, it shall be surveyed and mapped. If the remainder parcel or similar named parcel is more than five (5) gross acres that parcel shall show record information and parcel size only.
- (7) Proposed public areas and drainage easements shall be shown.
- (8) Additional notes which do not affect record title interests shall not be shown on the Final Map. Where a Composite Development Plan has been required, a prominent note shall be placed below the Surveyor's Notes on the final map in one-quarter (1/4) inch high, bolded block letters, stating:

**COMPOSITE DEVELOPMENT PLAN NOTE;
A Composite Development Plan (C.D.P.) affecting
this map is on file in the San Bernardino County
Office of Building and Safety in C.D.P. Book Page**

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- (b) Title Sheets. Prior to filing, those certificates and acknowledgements set forth in this Division shall appear on the title sheet of the Final Map and may be combined where appropriate. The title sheet shall also contain a certificate, signed and acknowledged by all parties having any record title interests in real property subdivided, consenting to the preparation and recordation of the Final Map, and is required except as provided by the Subdivision Map Act.

Each sheet of the Final Map shall also contain a title, consisting of the number of the subdivision and a subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon, as shall have been previously recorded or filed with the County Clerk pursuant to a final judgement in any action in partition, or shall have been previously filed in the Office of the County Recorder, or by reference to the plat of any United States Survey. The title sheet shall also show, in a form acceptable to the County Surveyor, such appropriate certificates and acknowledgements as required in the Subdivision Map Act, or any additional certificates as required by the County Surveyor or County standards.

- (c) Certificates on Final Maps. The certificates on Final Maps shall be governed by the provisions of the Subdivision Map Act and the Final and Parcel Map standards established by the County Surveyor's Office and as adopted and amended by the Board of Supervisors.

- (1) Dedications of, or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the title page of the Final Map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of the Subdivision Map Act.

In the event that any street shown on a subdivision map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the map and if the map is approved by the Board of Supervisors, the use of any such street or streets by the public shall be permissive only.

Any offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless an intent to dedicate such facilities is expressly stated in the certificate, and then only to the extent so stated.

Any dedication or agreements required within the remainder parcel of a Final Map shall be executed by the legal owners of record and any holder in a beneficial interest in a trust deed.

- (2) The Final Map shall contain a certificate for execution by the Clerk of the Board, stating that the Board of Supervisors approved the map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication or public use in conformity with the terms of the offer of dedication.
- (3) A certificate is required indicating the engineer or surveyor responsible for the survey and Final Map. This certificate shall give the date of the survey, state that the survey and Final Map were made by the engineer or surveyor, and indicate that the survey is true and complete as shown.

The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map may be recorded.

- (4) The County Surveyor shall issue a certificate, if all of the following requirements have been met.
 - (A) The Surveyor has examined the map.
 - (B) The subdivision as shown is substantially the same as it appeared on the Tentative Map and any approved alterations thereof.
 - (C) All provisions of this Article and any local ordinances applicable at the time of approval of the Tentative Map have been complied with.
 - (D) The County Surveyor is satisfied that the map is technically correct.
- (5) The County Surveyor shall complete and file, with the Clerk of the Board, the certificate as required by this section within twenty (20) days from the time the Final Map is submitted to the County Surveyor by the subdivider for approval.
- (6) At the time the subdivider presents the Final Map, there shall be presented releases executed by the various public utilities, including cable television services as to location of their facilities and that satisfactory arrangements have been made for the establishment of any easements required for such facilities. The failure of any said public utility to notify the County Surveyor of the need for such easements within twenty (20) days of receipt of the advance copy of the Final Map shall be deemed notice that said provisions and arrangements have been made and no further release shall be required.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.040220 Tentative Map.

The following provisions shall govern the review of Tentative and Vesting Tentative Maps:

- (a) Action on Tentative Map.
 - (1) The Planning Agency shall approve, conditionally approve, extend or disapprove the map or maps of the proposed subdivision within **the time frames established by California Government Code Sections 66452.1 and 66452.2**. An official copy of the Planning Agency's action shall be filed with the Tentative Map, and be reported directly to the subdivider and to the Real Estate Commission of the State of California. If no action is taken upon a Tentative Map by the Planning Agency within the time limits specified **above**, or any authorized extension thereof, the Tentative Map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of this Division, other applicable ordinances of the County of San Bernardino, and all applicable State laws, and it shall be the duty of the Clerk of the Board and the Secretary of the Planning Agency to certify such approval. This section shall be inapplicable to extensions of time which are reasonable and required in order to comply with any provision of State law, including the requirements for compliance with the California Environmental Quality Act of 1970. Any revised Tentative Map or portion thereof filed with the Planning Agency shall comply with the requirements in effect at the time such revised map is considered by the Planning Agency.
 - (2) A Tentative Map shall not be approved in the following cases:
 - (A) In the case of a conversion of residential real property to a condominium project, community apartment project or stock cooperative, the Planning Agency shall not approve the Tentative Map unless evidence is provided by the subdivider, as required by Section 66452.9 of the California Government Code, that proper notification has been given to each of the tenants of the proposed conversion notifying of the subdivider's intent to convert.

- (B) In the case of a conversion of a stock cooperative or a community apartment project to a condominium, the Planning Agency shall not approve a Tentative Map unless evidence is provided by the subdivider, as required by Section 66452.10 of the California Government Code, that the required number of owners in the cooperative or project, as specified in the bylaws or other organizational documents, have voted in favor of such conversion.
- (C) The Planning Agency shall not approve a Tentative Map, or a Parcel Map for which a Tentative Map was not required, if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (California Government Code Section 51296) and that the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is: (1), less than ten (10) acres in size in the case of prime agricultural land; or, (2), less than forty (40) acres in size in the case of land which is not prime agriculture land **unless otherwise provided by this Title**. The Planning Agency may approve a subdivision with parcels smaller than those listed above if the findings in Section 66474.4 of the California Government Code (Subdivision Map Act), along with the other applicable findings listed in Section 83.040110 of this Title, are made or the land within the subdivision is subject to a contract when one of the following has occurred:
- (I) The Local Agency Formation Commission has approved the annexation of the land to a city and the city will not succeed to the contract as provided in California Government Code Sections 51243 and 51243.5.
- (II) Written notice of nonrenewal of the contract has been served on or after March 7, 1985, as provided in California Government Code Section 51245, and, as a result of that notice, there are no more than three (3) years remaining in the term of the contract.

(III) The Board has granted tentative approval for cancellation of the contract as provided in California Government Code Section 51282.

- (3) The approval or conditional approval by the Advisory Agency of any revised or new Tentative Map shall annul all previous designs and approvals thereof.
 - (4) When modifications in design are conditions of approval of a Tentative Map, the subdivider shall, at least thirty (30) days prior to the submission of Final Maps, submit the appropriate number of copies of the Tentative Map as modified to the Planning Agency for distribution to the Development Review Committee representatives.
- (b) Planning Officer Referral. When acting as the Planning Agency for subdivisions where a Tentative and Final Map are required, the Planning Officer shall determine, prior to taking an action to approve, conditionally approve, extend or deny the application, that the project is noncontroversial. For the purpose of this section, "noncontroversial" shall mean: (1) that no member of the Development Review Committee objects to the project or any portion thereof; (2) no specific written request has been received requesting public hearing review of the project from person(s) notified in accordance with the provisions of Subsection 83.010330(b); and (3) in the opinion of the Planning Officer, there has been no substantial objection to the proposed project from members of the public. If the Planning Officer determines the project to be controversial, the project may be referred by Planning Officer to the Planning Commission for action.
- (c) Review of Tentative Maps by Other Agencies. When a Tentative Map has been properly filed and the subdivider has furnished the required number of copies, the **Current Planning Division** shall, within three (3) County business days of the filing and review cycle deadlines (Saturdays, Sundays and holidays excluded) forward a copy or copies thereof to **those departments, divisions, offices or agencies deemed appropriate by the Director of Land Use Services**.
- (d) Reports on Tentative Map.

- (1) Any report or recommendation on a Tentative Map by the staff of the Planning Agency or the Development Review Committee to the Planning Agency shall be in writing and a copy thereof sent to the subdivider, or any tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, **in accordance with California Government Code Section 66452.3**. In the event of failure of any officer, department, municipality, district or agency to report to the Planning Agency in writing within twenty (20) days after the filing deadline of the Tentative Map, it shall be deemed that said officer, department, municipality, district or agency has no objections to the proposed map.
 - (2) Wherever possible, the reports and recommendations of County departments shall be uniform in content and form and shall be presented to the Planning Agency by the Chairperson of the Development Review Committee or designee.
 - (3) Required action in the case of waste discharge violations. The Development Review Committee shall report to the Planning Agency as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the California Water Code. In the event that the Planning Agency finds that the proposed waste discharge would result in or add to violation of the requirements of such Board, it may disapprove the Tentative Map or maps of the subdivision, or take such other action as may be permitted by the policies of the Board of Supervisors.
- (e) Expiration of Approval. The initial approval period of an approved or conditionally approved Tentative Map and any associated development application shall expire **in accordance with Subsection 83.010360(a) of this Title**, unless **extended in accordance with California Government Code Sections 66452.6 or 66463.5**. The expiration of the approved or conditionally approved Tentative Map shall terminate all proceedings and no Final or Parcel Map of all or any portion of the real property included within such Tentative Map shall be filed without first processing a new Tentative Map.

- (f) Time Extensions on Approved Tentative Maps and/or any related development applications. The Planning Officer may approve extensions of time for a period or periods not exceeding those provided by California Government Code Sections 66452.6 or 66463.5. Any application of a subdivider for such extension of time shall be made in writing to the Planning Officer not less than thirty (30) days prior to the expiration date. Such extension of time is subject to an extension fee as found in the County Schedule of Fees. If the Final Map is not recorded within the approved extension, then the subdivision must be refiled in accordance with all provisions of this Division.
- (g) Withdrawal of Tentative Maps. Any subdivider or record owner of property upon which a Tentative Map has been filed may withdraw such map at any time until the recordation of the appropriate Final Map. Notice of such withdrawal shall be made in writing to the Planning Agency. Refund in filing fees for any such map withdrawn shall be made in accordance with the County Schedule of Fees.
- (h) Appeal. The subdivider, any tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, or any interested person adversely affected by a decision of the Planning Agency may appeal any action of the Planning Agency with respect to a Tentative Map. Any such appeal shall be filed with the Current Planning Division for an action taken by the Planning Officer, or with the Clerk of the Board for an action taken by the Planning Commission. Such appeals shall be filed in accordance with California Government Code Section 66452.5. The fee for filing an appeal shall be established in the County Schedule of Fees.

Readopted Ordinance 3341 (1989); Amended Ordinance 3499 (1992);
Amended Ordinance 3815 (2001)

83.040225 Final Map.

The following provisions shall govern the filing and recording of the Final Map:

- (a) Filing the Advance Copy of the Final Map. After receipt of the report of the Planning Agency approving or conditionally approving the Tentative Map, and at least fifty (50) days prior to the expiration of the approval or conditional approval or any approved extension of time as provided by this Division, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a Final Map thereof prepared in accordance with the approved or conditionally approved Tentative Map, and an advance copy of the Final Map to be submitted to the County Surveyor. The advance copy of the Final Map shall be accompanied by the following information:
 - (1) Traverse sheets showing closures with allowable limits of exterior boundary and of irregular blocks and lots in subdivision.
 - (2) Preliminary title report.
 - (3) Fees for examining Final Map in the amount specified in the County Schedule of Fees adopted by the Board of Supervisors.
 - (4) In the case of the conversion of residential property to a condominium, community apartment, or stock cooperative, evidence shall be submitted that the notices of intention to convert to prospective tenants, as required by California Government Code Section 66427.1, have been given.
 - (5) Composite Development Plan as subject to the provisions of Article 5 of this Division.
 - (6) Any additional information as may be required by the Planning Agency or County standards shall be submitted to the appropriate County department.
- (b) The County Surveyor shall be the primary coordinator in seeing that the conditions of approval of the Tentative Map have been fulfilled. The County Surveyor shall transmit maps to and request written reports from the County departments and public utilities, including any cable television systems, which have submitted recommendations on the Tentative Map. Within twenty (20) days after receipt of such an advance copy of the Final Map, said Department or utility shall issue a preliminary written report as to the compliance or noncompliance of the advance Final Map as to the matters under its jurisdiction.

- (c) Filing Official Copy of the Final Map. If the advance copy of the Final Map has been found satisfactory by the County Surveyor, the subdivider shall cause the Final Map to be officially filed with the County Surveyor at least twenty (20) days prior to expiration of the approval or conditional approval or any approved extension of time as provided by this Division.
The Final Map shall not be officially filed until the engineer or surveyor has received notification from the County Surveyor that all provisions of the Tentative Map approval, the Subdivision Map Act, County Code and County standards have been complied with. The official filing of the Final Map with the County Surveyor will constitute the Final Map filing date.
- (d) Checking and Reports to the Board of Supervisors. After the issuance of a receipt for the official filing of the Final Map, the County Surveyor shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations and other matters which may require checking to insure compliance with the provisions of the Subdivision Map Act and this Division.

If the Final Map is found to be in substantial compliance with the Tentative Map and is in correct form and the matters shown thereon are sufficient and the County Surveyor is satisfied that all of the conditions of approval have been met, County Surveyor shall endorse approval thereon. The County Surveyor shall combine with the Final Map the agreements, easements and securities as required by this Division. Such material shall be transmitted by the Environmental Public Works Agency to the Board of Supervisors for its consideration of the Final Map.

- (e) Approval of Final Map by the Board of Supervisors.
 - (1) The Board of Supervisors shall, within a period of ten (10) days after the filing of the Final Map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Division applicable at the time of approval or conditional approval of the Tentative Map and any rulings made thereunder or, if it does not so conform, disapprove the map.
 - (2) If the Board does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the Clerk of the Board of Supervisors shall certify its approval thereon.

- (f) Time Limit for Filing Final Map. If the subdivider fails to file the Final Map with the County Recorder and the required accompanying data with the appropriate County departments within thirty-six (36) months after the date of first approval by the Planning Agency or within any authorized extension of time, the Tentative Map approval or conditional approval shall become void. In such a case, a new filing fee shall be paid and a new Tentative Map approval shall be obtained.
- (g) Improvement Agreement. If at the time of approval of the Final Map by the Board of Supervisors, any improvements required by local ordinance or as a condition of the approval of the Tentative Map have not been completed in accordance with County standards applicable at the time of the approval or conditional approval of the Tentative Map, the Board of Supervisors, as a condition precedent to approval of the Final Map, shall require the subdivider to enter into an agreement with the Board of Supervisors upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense. The Board of Supervisors shall require that performance of such agreement is guaranteed by appropriate securities.
- (h) If sixty (60) days prior to the submittal of a Final or Parcel Map, the subdivider has failed to comply with the Tentative Map or minor subdivision plot plan conditions which require the subdivider to construct or install offsite improvements on land in which neither the subdivider nor the County has sufficient title or interest, including an easement or license, then at the time the Parcel or Final Map is filed with the local agency, to permit the improvements to be made, the subdivider shall enter into an agreement with the County through its Department of Engineering Contract Services to pay all costs of the County in acquiring such property. The County shall have one hundred twenty (120) days from the filing of the Final Map or Parcel Map, pursuant to Section 66457 of the Subdivision Map Act, to obtain interest in the land to permit the improvement(s) to be made by negotiation or proceedings pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the California Code of Civil Procedure, including proceedings for immediate possession of the property under Article 3 (commencing with Section 1255.410) of Article 6 of such Title. In the event the County fails to meet the one hundred twenty (120) day time limitation, the condition for construction of offsite improvements shall be conclusively deemed to be waived. Prior to approval of the Final Map, the County may require the subdivider to enter into an agreement to complete the improvements, pursuant to Subsection (6) above at such time as the County acquires an interest in the land which will permit the improvements to be made.

"Off-site improvements," as used in this subsection, do not include improvements which are necessary to assure replacement or construction of housing for persons and families of low or moderate income, as defined in Section 50093 of the California Health and Safety Code.

Readopted Ordinance 3341 (1989)

83.040230 Conditions of Map Approval.

The conditions of map approval shall be as follows:

- (a) Subdivisions for which a Tentative and Final Map are required. As a condition of approval of a map of five (5) or more parcels, the Planning Agency may require such dedications and improvements as are necessary to insure that the lots to be created are provided with adequate public services and utilities, possibly including any appropriate cable television services, to meet the needs of future residents or users; are of adequate design in all respects; act to mitigate any potential environmental impacts identified in the Environmental Impact Report or by other means; and provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property. All improvements shall be in accordance with adopted County standards.
- (b) Access.
 - (1) Except as provided below, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the County Master Plan of Highways or County Highway Right-of-Way Standards, or shall be assured of access to the County road system by an approved access which connects a lot or lots to a maintained public street or state highway.
 - (2) The Planning Agency may waive the requirements for approved access to subdivisions having lot sizes of forty (40) gross acres or more when all of the following findings are made:
 - (A) The applicant is or will be subject to severe hardship unless the waiver is approved; and
 - (B) There is an existing traveled roadway which has been in existence for at least five (5) years which roadway is at least twenty (20) feet in width at all points; and

- (C) The roadway has capability for normal passenger car use to each lot in the subdivision.
- (3) Private road easements may be approved for access to each lot if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.
- (4) Road easements of record established prior to the effective date of this Article shall be recognized as legal access to each lot of the subdivision.
- (5) Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot of the subdivision.
- (c) In determining whether to approve or disapprove an application for a Tentative Map, the County shall apply only those ordinances, policies, and standards in effect at the date the proposal for the subdivision was accepted as complete, as provided in California Government Code Section 66474.2.

Readopted Ordinance 3341 (1989)

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Article 3. PARCEL MAP AND MINOR SUBDIVISION PLOT PLAN

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83.040301 Filing Criteria for Tentative and Parcel Maps, and Minor Subdivision Plot Plans.

- (a) The provisions of this section and the Subdivision Map Act shall govern the necessity for Parcel Maps and Minor Subdivisions.
- (1) A Tentative Map may be required and a Parcel Map shall be required for subdivisions where a Final Map is not otherwise required by this Division, unless waived pursuant to this Division. A Parcel Map shall not be required for subdivisions created, pursuant to California Government Code 66428, by short-term leases of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the California Public Utilities Code, or land conveyed to or from a governmental agency, public entity, common carrier, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way. A Parcel Map may be required if a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a Parcel Map.
- (2) A Parcel Map shall not be required for the construction of a condominium project or for the conversion of an existing structure to a condominium on a single parcel shown on a Final Map or Parcel Map recorded after January 1, 1960. Provided, however, the Planning Officer may require that a Parcel Map be filed for the purposes of obtaining improvements, additional easements and dedications, or other circumstances which warrant the filing of a new map.

- (3) The Director of the Department of Land Management except as otherwise provided may waive the requirement for a Parcel Map, where two (2), three (3), or four (4) parcels and any remainder parcel are involved, and the smallest parcel created is two and one-half (2 1/2) gross acres or a two and one-half (2 1/2) acre aliquot part of a section or greater; provided said Director has made a finding that the proposed division of land complies with the requirements as to: (A) area; (B) improvement and design; (C) flood water drainage control; (D) appropriate improved public roads; (E) sanitary disposal facilities; (F) potable water supply availability; (G) environmental protection; (H) other requirements of this Division; (I) the Subdivision Map Act; (J) other applicable ordinances of the County of San Bernardino; and (K) adequate survey data exists to identify the property as determined by the County Surveyor. A record of survey recorded after January 1, 1983, shall not constitute adequate survey data to permit a waiver of the requirement for a Parcel Map. Said finding shall be based upon evidence, information, and recommendations of the Development Review Committee or individual Development Review Committee member acting within the departmental area of expertise.
- (4) The Director of the Department of Land Management shall not waive a Parcel Map as a condition of approval of a Vesting Tentative Parcel Map.
- (5) Where the requirement for a Parcel Map is waived pursuant to provisions of this section, a Tentative Map may be required by the Planning Officer. The Planning Officer may establish application procedures for subdivisions which are not subject to the requirement for Tentative and Final Maps.
- (6) When a Parcel Map rather than a Final Map is required by this Division, the subdivider has the option of submitting a Tentative Map.
- (7) The subdivider shall submit a Tentative Map in place of a minor subdivision plot plan to obtain the rights conferred by the Subdivision Map Act and this Division for a Vesting Tentative Map.
- (8) The requirements of Subsection 83.040201(e), (f), and (g) shall apply to the filing of Parcel Maps for the conversion of residential real property to another use.

Readopted Ordinance 3341 (1989)

83.040305 Subdivision Plot Plan Content.

The content and form of the Minor Subdivision Plot Plan and applications shall be prepared in conformance with the Subdivision Map Act and any procedures established by the Land Management Department.

Readopted Ordinance 3341 (1989)

83.040310 Parcel Map Content.

The content and form of Parcel Maps shall be governed by the provisions of this section.

- (a) Standards and Preparation. The Parcel Map shall be prepared by, or under the direction of, a registered Civil Engineer licensed to practice land surveying or a licensed Land Surveyor; shall show the location of streets and property lines bounding the property; and shall conform to all of the following provisions and adopted County standards.
 - (1) The Parcel Map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester based film. Certificates, affidavits, and acknowledgements shall be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester based film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
 - (2) The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
 - (3) Each lot shall be numbered and each street shall be named.
 - (4) The exterior boundary of the land included within the subdivision shall be indicated as an opaque ink line three (3) times as wide as the widest line on the map excluding the border line. The map shall show the location of each parcel and its relation to surround surveys.

- (5) If the map includes a remainder parcel and the gross area of the remainder parcel or similar named parcel is five (5) acres or less, it shall be surveyed and mapped. If the remainder parcel or similar named parcel is more than five (5) acres, that parcel shall show record information and parcel size only.
- (6) Existing natural drainage courses and proposed drainage easements, as necessary, shall be shown on the Parcel Map.
- (7) Additional notes which do not affect record title interests shall not be shown on the Parcel Map. Where a Composite Development Plan has been required, a prominent note shall be placed below the Surveyor's Notes on the parcel map in one-quarter (1/4) inch high, bold block letters, stating:

**COMPOSITE DEVELOPMENT PLAN NOTE:
A Composite Development Plan (C.D.P.)
affecting this map is on file in the San
Bernardino Office of Building and Safety in
C.D.P. Book Page .**

- (8) In the case of a Vesting Tentative Map for a Parcel Map, at the time it is filed it shall have printed conspicuously on its face "Vesting Tentative Parcel Map."
- (b) Parcel Number. Prior to filing a Parcel Map, a licensed engineer or surveyor shall obtain a number or numbers from the County Recorder.
- (c) Certificates on Parcel Maps. The statements on Parcel Maps shall be as required by the County Surveyor's standards and adopted by the County Board of Supervisors.
- (1) Subject to the provisions of the Subdivision Map Act, a statement, signed and acknowledged by the legal owner of record in the real property subdivided, consenting to the preparation and recordation of the Parcel Map is required.

- (2) Offers to dedicate interest in real property for specified public purposes shall be made by a statement on the Parcel Map, signed and acknowledged by the legal owner of record in the real property being subdivided, subject to the provisions of the Subdivision Map Act. The signature of either the holder of beneficial interests under trust deeds or the trustee under such trust deeds, but not both, may be omitted. The signature of either shall constitute a full and complete subordination of the lien of the Deed of Trust to the map and any interest created by the map.

However, with respect to a division of land into four (4) or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the legal owner of record only.

- (3) In all cases where a Parcel Map is required, such map shall be based upon a field survey made in conformance with the Land Surveyors Act, except in the case of Reversion to Acreage.
- (4) The Parcel Map shall contain a certificate for execution by the County Surveyor, stating that the Surveyor approved the map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication. The County Surveyor is hereby empowered to accept such dedications on behalf of the County Board of Supervisors and County Flood Control District.

Readopted Ordinance 3341 (1989)

83.040320 Minor Subdivision Procedures.

The provisions for the review of minor subdivision, plot plans, Tentative and Parcel Maps shall be as required in Section 83.040220 of this Code, unless otherwise indicated in that section.

Readopted Ordinance 3341 (1989)

83.040325 Parcel Map Procedures.

This section shall govern the procedures for the processing, approval, conditional approval, and disapproval of an application to subdivide land into four (4) lots or less with or without a remainder parcel, or more when a Parcel Map has been required in lieu of a Final Map and filing Parcel Maps.

- (a) Filing Advance Copy of Parcel Map. Where the filing of a Parcel Map is required pursuant to this Division after the approval or conditional approval of the Tentative Parcel Map or minor subdivision plot plan application as provided by this Division, the subdivider may cause the real property included within the map to be surveyed and a Parcel Map thereof shall be prepared in accordance with the approved Tentative Parcel Map or minor subdivision plot plan application. An advance copy of said Parcel Map shall be filed with the County Surveyor.

The advance copy of the Parcel Map shall be accompanied by the following information:

- (1) Preliminary title report.
 - (2) Fees in the amount specified in the County Schedule of Fees.
 - (3) Composite Development Plan.
 - (4) Such additional information as required by the Planning Agency or approved County standards.
- (b) Filing Official Copy of Parcel Map. The Parcel Map shall not be officially filed until the engineer or surveyor has received notification that all provisions of the Tentative Parcel Map or minor subdivision plot plan approval, the Subdivision Map Act, and County standards have been complied with and an advance copy of the Parcel Map has been approved by the County Surveyor in accordance with the provisions of this Article.
- (c) The filing and recording of a Parcel Map shall be subject to the requirements of Subsection 83.040225(g).

Readopted Ordinance 3341 (1989)

Article 4. VESTING TENTATIVE MAP

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83.040401 Filing Criteria for Vesting Tentative Maps.

- (a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Division, requires the filing of a Tentative Map or a Tentative Parcel Map for a residential development, a Vesting Tentative Map may instead be filed in accordance with the provisions hereof.
- (b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a Vesting Tentative Map shall not be a prerequisite to any approval for any proposed subdivision permit for construction, or work preparatory to construction.
- (c) Except as otherwise set forth, the provisions of this Division shall apply to Vesting Tentative Maps.

Readopted Ordinance 3341 (1989)

83.040405 Content.

The content and form of Vesting Tentative Maps shall be governed by the provisions of this section.

- (a) At the time a Vesting Tentative Map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) A Vesting Tentative Map shall be filed in the same form and have the same contents, accompanying data, and reports as set forth in this Division for a Tentative Map except as hereinafter provided.

Readopted Ordinance 3341 (1989)

83.040410 Procedures.

The following provisions shall govern the filing, processing and review of Vesting Tentative Maps:

- (a) A Vesting Tentative Map shall be processed and reviewed in the same manner as set forth in this Division for a Tentative Map, except as hereinafter provided.

- (1) Prior to filing a Vesting Tentative Map, the subdivider shall have a preapplication conference with the Development Review Committee to determine if any additional information should be filed with the Vesting Tentative Map application. The applicant shall submit to the Development Review Committee prior to the preapplication conference all information that is required of a Tentative Map application. This information will be reviewed by the Committee and additional information may be required by the Committee to be submitted with the Vesting Tentative Map application. Preliminary Environmental Review of the proposed project shall be completed prior to the preapplication conference.

The minutes of the preapplication conference shall dictate the filing requirements for the Vesting Tentative Map, and shall accompany the filing of said map. The information required by the Development Review Committee for formal submission of the proposed project may include, but is not limited to the following:

- (A) Drainage plan for control of both on site and off site storm runoff, water courses, channels, existing culverts, and drainpipes including existing and proposed facilities for control of storm waters, data as to the amount of runoff and the approximate grade, and dimension of proposed facilities for control of storm waters.
- (B) Building envelopes.
- (C) Proposed land use and types of structures.
- (D) Detailed circulation information (existing and proposed). This information may include area wide traffic data sufficient for the County to determine future needs.
- (E) Detailed grading plans.
- (F) Geological studies.

- (G) Any information required by the Development Review Committee shall be clearly detailed and listed with an anticipated review period so that it can be acted upon within reasonable time. The department/office which requires any additional information shall approve the acceptability of this information from the applicant prior to the filing of the Vesting Tentative Map.
 - (H) The Development Review Committee may require the filing and concurrent review of other related development applications where it is necessary for the review and implementation of the Vesting Tentative Map.
- (2) An approving action on a Vesting Tentative Map shall not occur prior to the effective date of approval of the associated discretionary permit or action.
 - (3) Upon filing a Vesting Tentative Map, the subdivider shall pay the fees required as established in the County Schedule of Fees for the filing and processing of a Vesting Tentative Map.
 - (4) The approval or conditional approval of a Vesting Tentative Map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this Division for the expiration of the approval or conditional approval of a Tentative Map.
 - (5) Any time prior to the expiration of a Vesting Tentative Map, the subdivider or assignee may apply for an amendment to the Vesting Tentative Map. No application for amendment shall be required when the reviewing authority finds that such amendment is a minor modification that is in substantial compliance with the original approval and no new conditions of approval are required.

- (6) For a subdivision whose intended development is inconsistent with the land use district or Specific Plan in existence at that time, that inconsistency shall be noted on the map. The Planning Agency may deny such a Vesting Tentative Map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the land use district or Specific Plan to eliminate the inconsistency. If the change in the pertinent ordinance is obtained, the approved or conditionally approved Vesting Tentative Map shall confer the right to proceed with the development as approved.
- (7) Fees for development permits (e.g., building and grading permits) filed per an approved Vesting Tentative Map or a recorded Vesting Final/Parcel Map shall be the fees in effect at the time of issuance of such permit.

Readopted Ordinance 3341 (1989)

83.040415 Development Rights.

- (a) When the designated Planning Agency approves or conditionally approves a Vesting Tentative Map, that approval shall confer a vested right to proceed with the development in substantial compliance with the ordinances, policies, and standards in effect at the date the application for the subdivision has been determined to be complete and pursuant to California Government Code Section 66474.2. If Section 66474.2 is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the Vesting Tentative Map is approved or conditionally approved.
- (b) Notwithstanding subdivision (a), the Planning Agency may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it determines any of the following:
 - (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - (2) The condition or denial is required in order to comply with State or Federal law.

- (c) The Planning Agency may alter any condition of a Vesting Tentative Map through an amendment pursuant to Subsections 83.041105(a)(5) and (6) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.
- (d) The rights conferred by this section shall expire if a Final or Parcel Map is not recorded prior to the expiration of the Vesting Tentative Map as provided in Subsection 83.040410(a)(4). If the Final or Parcel Map is recorded, these rights shall last for the following periods of time:
 - (1) An initial time period of one (1) year. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period shall begin for each phase when the Final Map for that phase is recorded.
 - (2) The initial time period set forth in this Code shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, processing exceeds thirty (30) days from the date a complete application is filed.
 - (3) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection 83.040415(d)(1) expires. If the extension is denied, the subdivider may appeal that denial to the County Board of Supervisors within fifteen (15) days.
 - (4) If the subdivider submits a complete application for a building permit during the periods of time specified in this section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

Readopted Ordinance 3341 (1989)

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Article 5. COMPOSITE DEVELOPMENT PLAN

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83.040501 Filing Criteria for Composite Development Plans.

- (a) The Planning Agency may require the filing of a Composite Development Plan at the time a Final or Parcel Map is accepted for recordation. These maps will reflect the information required by the Planning Agency and shall be filed with the Office of Building and Safety concurrent with the recordation of the Final or Parcel Map.
- (b) Wherever a Composite Development Plan is required, these plans shall be submitted prior to recordation of the Final or Parcel Map.

Readopted Ordinance 3341 (1989)

83.040505 Content.

The content and form of Composite Development Plans shall be governed by the provisions of this section and Composite Development Plan Standards established by the County Surveyor's Office and adopted by the County Board of Supervisors.

- (a) Standards and Preparation. A reproduction shall be made on linen or mylar of the map sheets of the Final or Parcel Map which shall conform to the following provisions and adopted County standards.
 - (1) In the top margin of all the map sheets, there shall be prominently labeled "Composite Development Plan." Advance copies shall be submitted for approval by the County Surveyor and Building Official prior to submittal of the linen or mylar of the Final or Parcel Map.
 - (2) Notes on Composite Development Plans.

- (A) The plan shall contain a section titled "Composite Development Plan Notes." The County may list here any conditions or mitigating measures stipulated for the development of the subject property. Any explanatory notes related to criteria delineated on the map shall also be listed within this section. In addition, any related reports regarding development criteria shall be listed, including the following information:
 - (I) Title and date of the report.
 - (II) Name and credentials of person or firm preparing report.
 - (III) The location where the reports are on file.
- (B) The plan may delineate and note applicable criteria to the development of the subject property. These criteria are limited to:
 - (I) Building Criteria (e.g., Building Setback Lines). Any yard setback lines that are delineated on Composite Development Plans shall be the street and yard setback distances required on the property within said Composite Development Plan.
 - (II) Geological, Paleontological and Seismic Criteria.
 - (III) Grading Criteria.
 - (IV) Flood Control Criteria (e.g., setbacks).
 - (V) Environmental Criteria.
 - (VI) Incorporation of Special Map Requirements referenced in Article 11 beginning at Subsection 83.041115(b) of this Division.
 - (VII) All easements of record shall be delineated on the plan. Where the only information to be detailed by the Composite Development Plan are the minimum yard setbacks established by a land use district, then a Composite Development Plan will not be required.

- (C) The following statement shall be prominently displayed on each map sheet:

COMPOSITE DEVELOPMENT PLAN

NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST.

Readopted Ordinance 3341 (1989)

83.040510 Procedures.

This subsection shall govern the procedures for the processing, approval or disapproval of a Composite Development Plan.

- (a) Filing Advance Copy. At least three (3) weeks prior to the recordation of the Final or Parcel Map, the Composite Development Plan shall be submitted for coordination of review to the County Surveyor.
- (b) Filing Official Copy of Composite Development Plan. Concurrent with the filing for recordation of the Final or Parcel Map the Composite Development Plan, as approved by the Office of Planning and County Surveyor in accordance with the provisions of this Division, shall be filed with the Office of Building and Safety.

Readopted Ordinance 3341 (1989)

83.040515 Amendment to Composite Development Plan.

- (a) Should an error be made on the Final or Parcel map which affects the Composite Development Plan as authorized by Section 83.041105(a)(5) and (6) of this Division, the Final Map and the Composite Development Plan may be amended as approved by the County Surveyor and Office of Planning. A minor variance is required for all other changes to the Composite Development Plan.

The Building Official is authorized to approve amended maps when they do not adversely impact the conditions of other departments and the amendment is in substantial compliance with the conditions of approval of the Tentative or Parcel Map.

- (b) Any request to modify or deviate from the standards that are shown on a Composite Development Plan shall be made in accordance with the provisions for variances except as otherwise provided by this section.

Article 6. LOT LINE ADJUSTMENT

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83.040601 Filing Criteria.

- (a) Lot Line Adjustment means the adjustment of a lot line between two (2) or more adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where no additional parcels are thereby created or the number of parcels reduced.
- (b) Filing criteria shall be as established by the Planning Agency.

Readopted Ordinance 3341 (1989)

83.040605 Procedures.

- (a) The Planning Officer or designee may approve lot line adjustments as herein provided. A current preliminary title report shall be required to accompany a lot line adjustment request. This report is required in order to ensure that the properties or portions thereof are not encumbered with liens, delinquent taxes, trust deeds, and/or utility easements on the property which would conflict with the requested lot line adjustment. The Planning Officer shall require that such a conflict be eliminated. In addition, if any of the lots are improved, the Planning Officer shall refer the proposed lot line adjustment to the County Surveyor for review of possible encroachments.
- (b) The Planning Officer or designee shall make the following findings prior to approval of a lot line adjustment:
 - (1) The proposed lot line adjustment is consistent with the San Bernardino County Consolidated General Plan, Development Code, and Specific Plans.
 - (2) The proposed lot line adjustment will not adversely affect public health and safety.

Readopted Ordinance 3341 (1989)

83.040610 Conditions of Approval.

- (a) No Tentative Map, Parcel Map, or Final Map shall be required as a condition to the approval of a lot line adjustment.
- (b) A record of survey may be required to facilitate the preparation of the legal description to ensure the accuracy of the description or the elimination of the encroachments.
- (c) A recorded conditional Certificate of Compliance shall be required of all lot line adjustments. Any conditional Certificate of Compliance with parcels that are tax delinquent shall not be recorded. The lot line adjustments will be voided if the following are not completed within one hundred eighty (180) days after the recordation of the conditional Certificate of Compliance:
 - (1) Grant Deeds which describe the new boundaries of the parcels shall be recorded.
 - (2) Appropriate Trust Deeds or partial reconveyance documents which describe the new boundaries shall be recorded.

Readopted Ordinance 3341 (1989)

Article 7. LOT MERGER

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83.040701 Mandatory Merger of Substandard Lots.

- (a) A mandatory merger of substandard lots may be initiated by the County. A lot may be merged with a contiguous lot held by the same owner. If any one of the contiguous lots or units held by the same owner does not conform to the standards for minimum lot size or dimension specified by the applicable land use district the following requirements shall be satisfied:
 - (1) At least one of the affected lots is not developed with any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous lot involved in the proposed merger; and
 - (2) At least one of the affected lots must have one or more of the following conditions:
 - (A) The lot comprises less than five thousand (5,000) square feet in area at the time of the determination of merger;
 - (B) The lot was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (C) The lot does not meet current standards for sewage disposal and/or domestic water supply;
 - (D) The lot does not meet slope stability and/or density standards, as specified by this Code, Specific Plan or the General Plan;
 - (E) The lot has no legal access which is adequate for vehicular and emergency equipment access and maneuverability;

- (F) The development of the lot would create health or safety hazards;
- (G) The lot is inconsistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

For purposes of determining whether contiguous lots are held by the same owner, the ownership of record shall be determined as of the date that Notice of Intention to Determine Status is recorded. Ownership of record shall be determined by the verification of the property ownership as recorded with the County Recorder in the official County records.

- (b) A lot merger becomes effective when the County causes to be filed for record with the County Recorder a Notice of Merger specifying the names of the record owners and a description of the real property to be merged. This notice shall be transmitted to the County Recorder with any certificates for taxes as referenced in this Code.
- (c) When a Notice of Merger has been recorded, the resultant parcel so merged shall be developed as a single unit of land.
- (d) When the County initiates a merger of substandard lots, noticing shall be done in compliance with the following provisions:
 - (1) Until January 1, 1990, for lots which are four thousand (4,000) square feet or less and which were deemed by the County to be merged prior to January 1, 1984, the noticing procedures shall be as follows: At least thirty (30) days prior to recording a notice of merger, the County shall advise the owner of record of the affected lots, in writing, of the intention to record the notice and specify a time, date, and place at which the owner may present evidence to the Planning Agency as to why such notice should not be recorded.

- (2) Unless otherwise specified in Section 83.040705, for all other lots proposed to be merged which do not meet the criteria of Subsection (d)(1) of this section, above: The County shall cause to be mailed by certified mail to the current record owner of the property a Notice of Intention to Determine Status, notifying the owner that the affected lots may be merged pursuant to provisions and standards specified by this section, and advising the owner of the opportunity to request a Determination of Status hearing and to present evidence at the hearing that the property does not meet the criteria for merger. This hearing shall be conducted in accordance with the Staff Review Without Notice procedures by the Office of Planning. The Notice of Intention to Determine Status shall be filed for record with the Recorder of the County of San Bernardino on the date that notice is mailed to the property owner.
- (e) At any time within thirty (30) days after recording of the Notice of Intention to Determine Status the owner of the affected property may file with the Office of Planning a request for a Determination of Status hearing.
- (f) Upon receiving a request for a Determination of Status hearing from the owner of the affected property pursuant to Subsection 83.040701(e), the County Planning Officer shall fix a time, date and place to conduct a hearing and shall notify the property owner of the time, date, and place of the hearing by certified mail. The hearing shall be conducted not more than sixty (60) days following the County's receipt of the property owner's request for a hearing, but may be postponed or continued with the mutual consent of the County and the property owner.
- (g) At a Determination of Status hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this section and Section 83.040705. At the conclusion of the hearing, the Office of Planning shall make a determination that the affected lots are to be merged or are not to be merged and shall so notify the owner of this determination. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

- (h) If within the thirty (30) day period specified in Subsection 83.040701(e) the owner does not file a request for hearing in accordance with Subsection 83.040701(f), the Office of Planning may, at any time thereafter, make a determination that the affected lots are to be merged or are not to be merged. A Notice of Merger shall be recorded as provided in Subsection 83.040701(b) herein no later than ninety (90) days following the mailing of notice required by Subsection 83.040701(e) herein.
- (i) If, in accordance with Subsection 83.040701(g) or 83.040701(h) herein, the Office of Planning determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Subsection 83.040701(b) herein a Release of the Notice of Intention to Determine Status, recorded pursuant to Subsection 83.040701(d)(2) and shall mail a clearance letter to the current owner of record.
- (j) Any decisions made by the Planning Officer in accordance with this section may be appealed prior to recordation of the Notice of Merger in accordance with the provisions of this Code.

Readopted Ordinance 3341 (1989)

83.040705 Voluntary Merger of Contiguous Lots.

- (a) Description and purpose. It is the purpose of this section to allow property owners to request a voluntary merger of contiguous lots that are under the same ownership.
- (b) Process. The property owner shall file an application for a lot merger. The reviewing authority shall be the Planning Officer and review of the application shall be subject to the provisions for Staff Review Without Notice. The merger of the subject lots become effective when the Planning Officer causes a Notice of Merger specifying the names of the record owners and a description of the real property to be filed for record with the County Recorder.
- (c) Requirements. A voluntary merger of lots may be requested by an applicant. A lot may be merged with one or more contiguous lots held by the same owner: if any one of the contiguous lots held by the same owner does not conform to standards for minimum lot size or dimension specified by the applicable land use district; if the property owner wishes to construct a structure across the property line(s) of two or more contiguous lots; or, if at least one (1) such lot meets one (1) or more of the requirements specified in Section 83.040701(a)(2).

Readopted Ordinance 3341 (1989); Amended Ordinance 3864 (2002)

83.040710 Findings.

The Planning Agency shall find and justify the following to be true, prior to recording any Notice of Merger.

- (a) The lots to be merged at the time of merger are under common ownership.
- (b) The lots as merged will be consistent with or be more closely compatible with the applicable land use district regulations and any other planning policies relating to the subject property and lot configuration.
- (c) The lot as merged will not be deprived of legal access as a result of the merger and access to the adjoining lots will not be restricted by the merger.
- (d) All current and any delinquent taxes have been paid on all affected lots.

Readopted Ordinance 3341 (1989)

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Article 8. REVERSION TO ACREAGE

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Previously subdivided property may be reverted to acreage pursuant to the provisions of this Article.

Readopted Ordinance 3341 (1989)

83.040801 Filing Criteria.

- (a) Requirement for Reversion to Acreage. Reversions to acreage may be required as a condition of approval for a land use application or allowed upon review and approval of a subdividers request pursuant to the provisions of this Article.

Readopted Ordinance 3341 (1989)

83.040805 Reversion to Acreage by Final Map or Parcel Map.

Subdivided real property may be reverted to acreage by a Final Map or Parcel Map pursuant to the provisions of this section.

- (a) Initiation of Proceedings.
 - (1) Proceedings shall be initiated by petition by the owner of the property. The petition shall be on a form prescribed by the Office of Planning and shall be accompanied by:
 - (A) Evidence of ownership.
 - (B) Evidence of nonuse or lack of necessity of any streets or easements to be vacated or abandoned.

- (C) Submittal of a Tentative Map or other application procedure which may be established by the Planning Officer which delineates any streets or easements which are to be left in effect; provided, however, that the Planning Officer may require a Tentative Map prepared to the standard prescribed in this Article.
 - (D) Such other information as required by the Office of Planning.
- (2) The Board, at the request of any person or on its own motion, may by resolution initiate proceedings to revert property to acreage. The Board shall direct the Office of Planning to obtain the necessary information to initiate and conduct the proceedings.
- (b) Previously subdivided land consisting of four (4) or less contiguous parcels under the same ownership may be reverted to acreage by Parcel Map; previously subdivided land consisting of five (5) or more parcels under the same ownership shall be reverted to acreage by Final Map.

Readopted Ordinance 3341 (1989)

83.040810 Data for Reversion to Acreage by Final Map or Parcel Map.

Petitioners shall file the following:

- (a) Evidence of title to the real property; and
- (b) Evidence of the consent of all of the owners of interest(s) in the property; or
- (c) Evidence that none of the improvements required to be made have been made within two (2) years from the date the Final Map or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (d) Evidence that no lots shown on the Final or Parcel Map have been sold within five (5) years from the date such Final or Parcel Map was filed for record.
- (e) A minor subdivision plot plan or Tentative Map in the form prescribed by this Division.

- (f) A Parcel Map or a Final Map in the form prescribed by this Division. The Parcel Map or Final Map shall delineate dedications which will not be vacated and dedications required as a condition to reversion.

Readopted Ordinance 3341 (1989)

83.040815 Fee.

The petition shall be accompanied by a fee as required by the County Schedule of Fees.

Readopted Ordinance 3341 (1989)

83.040820 Proceedings.

- (a) The Planning Commission shall hold a public hearing on all petitions for, and Board initiations of, Reversions to Acreage.
- (b) In the case of a Reversion to Acreage by Parcel Map, the Planning Commission may approve the Reversion to Acreage only if it finds and records in writing the findings required by this section.
- (c) For a Reversion to Acreage by Final Map, the Planning Commission shall render its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation and shall be transmitted to the Board of Supervisors. Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing. Notice of the time and place of such hearing shall be given in the same time and manner provided for the giving of notice of the hearing by the Planning Commission. The Board of Supervisors may approve a Reversion to Acreage only if it finds and records in writing the findings required by this section.
- (d) Findings. Prior to approval, the Reviewing Authority shall find and justify the following to be true:
 - (1) Dedications or offers of dedication to be vacated or abandoned by the Reversion to Acreage are unnecessary for present or prospective public purposes; and
 - (2) Either:
 - (A) All owners of an interest in the real property within the subdivision have consented to reversion;

- (B) None of the improvements required to be made have been made within two (2) years from the date the Final or Parcel Map was filed for record, or within the time allowed by agreement for the completion of the improvements, whichever is later; or
- (C) No lots shown on the Final or Parcel Map have been sold within five (5) years from the date such map was filed for record.

Readopted Ordinance 3341 (1989)

83.040825 Conditions for Reversion to Acreage by Final Map.

The Board may require as conditions for the Reversion to Acreage the following:

- (a) The owners dedicate or offer to dedicate streets or easements.
- (b) The retention of all or a portion of previously paid subdivision fees, deposits, or improvement security, if the same are necessary to accomplish any of the provisions of this Division.
- (c) The retention of drainage easements for drainage and flood control.

Readopted Ordinance 3341 (1989)

83.040830 Conditions for Reversion to Acreage by Parcel Map.

After approval of the petition, a Parcel Map shall be prepared in accordance with this Division provided, however, that said Parcel Map may be compiled from recorded data if all the following conditions exist:

- (a) New division lines are not created.
- (b) The complete parcel boundary has been monumented and shown on a recorded subdivision map or Parcel Map.
- (c) When at least one of these boundary lines can be established from an existing monumented line.

The Parcel Map shall contain those statements as required by Division 3, Chapter 4, of this Code.

Readopted Ordinance 3341 (1989)

83.040835 Return of Deposits and Release of Securities.

Except as provided in this Article, upon filing of the Final Map for Reversion to Acreage with the County Recorder, deposits shall be returned to the subdivider and all improvement securities shall be released by the Board of Supervisors.

Readopted Ordinance 3341 (1989)

83.040840 Delivery of Final Map or Parcel Map.

After the hearing before the Board of Supervisors and approval of the reversion, the Final Map or Parcel Map shall be delivered to the County Surveyor.

Readopted Ordinance 3341 (1989)

83.040845 Effect of Filing Reversion Map with the County Recorder.

Reversion shall be effective upon the Parcel Map or Final Map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the Parcel Map or Final Map for reversion shall be of no further force or effect.

Readopted Ordinance 3341 (1989)

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Article 9. CERTIFICATE OF SUBDIVISION COMPLIANCE.

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83.040901 Filing Criteria.

- (a) A recorded Certificate of Subdivision Compliance may be requested by any person owning real property to have the Planning Officer determine whether such property complies with the provisions of this Code.
- (b) A Certificate of Subdivision Compliance may be required by the Office of Planning prior to recordation of a merger.
- (c) A recorded Certificate of Subdivision Compliance shall be required of all lot line adjustments.
- (d) When contiguous deeds or surveys have ambiguities in which the property boundary can not be ascertained as determined by the County Surveyor and an agreement is reached to establish the line by all parties, a Certificate of Compliance should be recorded.
- (e) When determined by the County Surveyor, a Certificate of Subdivision Compliance may be required for the remainder parcels on Final/ Parcel Maps.

Readopted Ordinance 3341 (1989)

83.040905 Content and Form.

The content and form of an application for a Certificate of Subdivision Compliance shall be as required by County policy.

Readopted Ordinance 3341 (1989)

83.040910 Procedures.

Upon making a determination that real property complies with this Division, the Planning Officer shall cause a Certificate of Subdivision Compliance to be filed for record with the County Recorder. The Certificate of Subdivision Compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this Division and the Subdivision Map Act.

Readopted Ordinance 3341 (1989)

83.040915 Conditions of Approval.

- (a) When granting a Certificate of Subdivision Compliance for the purpose of determining whether real property is in compliance with this Code the following shall apply:
 - (1) The requirements or conditions for the granting of a Certificate of Subdivision Compliance shall be limited to dedications of flood control and road or street right of way easement for lots created before March 4, 1972.
 - (2) When a Certificate of Subdivision Compliance is requested for a parcel of land created **on or after** March 4, 1972, the following shall apply:
 - (A) If the parcel is less than five (5) acres in size, access, improvement, and map requirements consistent with land division requirements at the time the parcel was created shall be required.
 - (B) If the parcel is five (5) acres or greater in size, no Parcel or Record of Survey Map shall be required, unless the Director of Planning finds that, due to topographical, geologic, or drainage concerns, delineation of such areas is necessary to assure adequate building sites. Access shall be provided pursuant to subsection (A) above.
 - (C) Access requirements across lands not in the ownership of the applicant may be deferred until development is requested on the **applicant's** property. A statement of disclosure relating to such lack of access shall be placed on the conditional Certificate of Subdivision Compliance advising of this requirement to future buyers of the parcel.

- (3) If the Planning Officer determines that such real property does not comply with the provisions of this Division, the Planning Officer shall impose all the access requirements of this Division before issuing a Certificate of Subdivision Compliance. The Planning Officer may, as a condition of approval for a Certificate of Subdivision Compliance, impose those additional improvement requirements and Tentative or Parcel Map requirements provided in this Division. Such conditions may be fulfilled and implemented by the property owner who has applied for a Certificate of Subdivision Compliance pursuant to this section, or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant, property owner, or the grantee, the Certificate of Subdivision Compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new application for a Certificate of Subdivision Compliance pursuant to this Article, and the Planning Officer may impose such conditions as would have been applicable at the time such assignee or transferee acquired the property.
- (b) All Certificates of Subdivision Compliance shall be reviewed and approved by the County Surveyor prior to recordation. A record of survey may be required by the County Surveyor in order to facilitate the preparation of new legal descriptions or to ensure the elimination of any encroachment.
- (c) A Certificate of Subdivision Compliance shall be issued for any real property which has been approved for development.
- (d) A recorded final subdivision map, or Parcel Map, or recorded lot merger shall constitute a Certificate of Subdivision Compliance with respect to the parcels of real property described therein.
- (e) An official map prepared pursuant to subdivision (b) of Section 66499.52 of the California Government Code and Article 10 of Chapter 4 of Division 3 of Title 8 of this Code, shall constitute a Certificate of Subdivision Compliance or a conditional Certificate of Subdivision Compliance with respect to the parcels of real property described therein and may be filed for the record, whether or not the parcels are contiguous, so long as the parcels are within the same section or, with the approval of the County Surveyor, within contiguous sections of land.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

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Article 10. OFFICIAL MAP

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83.041001 Filing Criteria.

- (a) Whenever any subdivision of land is platted or divided into lots or blocks, and whenever any addition to any subdivision is laid out into lots or blocks for the purpose of sale or transfer, the County Surveyor, under the direction and with the approval of the Board of Supervisors, may make an Official Map of the Subdivision, giving to each block on the map a number, and to each lot or subdivision in the block a separate number or letter, and giving names to such streets, avenues, lanes, courts, commons, or parks as may be delineated on the Official Map.
- (b) Any surveyor or engineer under the review of the County Surveyor may prepare an Official Map to be filed for record as a Certificate of Compliance, pursuant to Subdivisions (d) and (e) of the California Government Code Section 66499.35 and Subsection 84.030915(e) of this Code. The map shall be prepared in accordance with the map format specifications of Subdivisions (a) to (f), inclusive, of Section 66434 of the Subdivision Map Act and 83.040210 of this Code except where noted otherwise in this Article.

Readopted Ordinance 3341 (1989)

83.041005 Procedure.

- (a) A Tentative Map Application shall be filed with the County. Filing, map form and content, and procedure requirements for review and approval of Official Maps shall be as required by County Surveyor standards as adopted by the Board of Supervisors. This Tentative Map may be approved if it is consistent with the General Plan and land use district subject to the following requirements:
 - (1) Submit proof of approved access.
 - (2) Engineer or surveyor shall prepare and file an Official Map under the review of the County Surveyor. The map shall contain the following:

- (A) Private road easements or grants of easement to each lot by separate instrument, or a note placed on the map that dedication will be required prior to building permits.
 - (B) Locate and delineate the natural drainage courses (the Drainage Section of the Surveyor's Office may require a drainage study).
 - (C) Ground height for building pads to preclude flooding.
 - (D) Surveyed, mapped and monumented per County Surveyor's standards.
 - (E) Legal description for each lot.
 - (F) Board of Supervisor's certificate.
 - (G) Engineer or surveyor's statement.
 - (H) County Surveyor's certificate.
 - (I) Surveyor's Office Official Map checking deposit based upon current Final Map Fee Schedule.
 - (J) Improvements and improvement plans on future roads may be deferred if not needed at this time for access to developed properties.
 - (K) Any additional information as required by County Surveyor standards.
- (b) Each and every map made and adopted under this Division shall be presented to the Board of Supervisors by the County Surveyor and be certified under the hands of a majority of the members of the Board of Supervisors, the presiding officer, secretary and official seal of the Board of Supervisors. The certificate shall set forth in full the resolution adopting the map, with the date of adoption.
- (c) Fees established for processing of official maps shall be as required in the County Schedule of Fees.

Readopted Ordinance 3341 (1989)

83.041015 Recording Requirements.

- (a) The certified map shall be filed in the Office of the County Recorder. The recorder shall immediately securely fasten and bind each map so filed in one of a series of firmly bound books to be provided, together with the proper indexes thereof, and appropriately marked for the reception of maps provided for in this Division. Official Maps shall be filed and processed in accordance with provisions for Final Maps in Article 11 of this Code, unless otherwise indicated in County Surveyor standards for Official Maps.
- (b) The map shall become an Official Map for the purposes of this Division when certified, filed, and bound, but not before.
- (d) Whenever the Board of Supervisors adopts an Official Map, it shall be lawful and sufficient to describe the lots or blocks in any deeds, conveyances, contracts or obligations affecting any of the lots or blocks as designated on the Official Map.

Readopted Ordinance 3341 (1989)

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Article 11. GENERAL REGULATIONS

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The following provisions shall govern the filing of maps in addition to previous provisions, unless otherwise specified.

83.041101 Filing Criteria.

- (a) Maps of Condominium or Community Apartment Projects. A map of a condominium project, a community apartment project, or of the conversion of five (5) or more existing dwelling units into a stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor will the County refuse approval of a Parcel, Tentative, or Final Map of such a project on account of design or location of buildings on the property shown on the map. However, the County may regulate the design and location of a condominium project or a community apartment project through the provisions of its General Plan, Development Code, or other provisions of the San Bernardino County Code. The County may refuse approval of such a project if the design and locations of buildings violate provisions of the County General Plan, Development Code or other provisions of the San Bernardino County Code.
- (b) Filing Maps with County Recorder. Of the maps required by this Division and the Subdivision Map Act, only Final and Parcel Maps may be filed for record in the Office of the County Recorder.
 - (1) No Final Map required by this Article and the Subdivision Map Act which creates a subdivision shall be filed with the County without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided in this Division.

- (2) No Parcel Map required by this Division and the Subdivision Map Act which creates a subdivision shall be filed with the County without the consent of the legal owner of record in the real property proposed to be subdivided, except as otherwise provided in this Division.

Readopted Ordinance 3341 (1989)

83.041105 Map Procedures.

- (a) The procedures set forth in this section shall govern the filing, processing, approval, conditional approval, or disapproval of Tentative, Final and Parcel Maps and the modification thereof, in addition to the requirements in previous provisions.
 - (1) Extension of Time Limits. The time limits specified in this Division for reporting and acting on maps may be extended by mutual consent of the subdivider and the Planning Agency or the Board of Supervisors for a time not to exceed the time limits specified in this Code.
 - (2) Fees for Processing. Fees for the processing of Tentative, Vesting Tentative, Minor subdivision plot plan, Final and Parcel Maps, lot line adjustments, lot mergers, Reversion to Acreage, Certificates of Subdivision Compliance and Official Maps, and for other procedures required or authorized by this Division shall be established in the County Schedule of Fees.
 - (3) The Planning Officer may grant approval for the creation of two (2), three (3) or four (4) lots and a remainder parcel as shown on an approved Tentative Subdivision Map for the purpose of obtaining building permits for model homes or units. As a condition of this approval, a Parcel Map may be required. Prior to the issuance of building permits for said model homes, a surety bond or cash deposit shall be posted with the County Transportation and Flood Control Department for the street improvements abutting said lots as required for the approved tentative subdivision.
 - (4) Filing Maps with County Recorder. After the approval by the County of a Final or Parcel Map of a subdivision within the unincorporated territory, the map shall be transmitted ultimately to the County Recorder.

- (A) Certificate of Taxes for Final Maps or Parcel Maps by the Clerk of the Board. When the subdivider files with the Clerk of the Board a certificate prepared by the appropriate state or local official giving his or her estimate of those taxes or assessments, and when all security required under the provisions of this section to secure the payment of taxes and assessments which are a lien on a subdivision but which are not due and payable, have been deposited with and approved by the County, the Clerk of the Board of Supervisors shall ratify that such deposits have been made and shall transmit the Final Map to the County Recorder.
- (B) Evidence of Record Title Interest. The subdivider shall present to the County Recorder evidence that, at the time of filing the map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the case of a Final Map and legal owner of record in the case of a Parcel Map, in the real property being subdivided as shown by the records in the Office of the County Recorder, whose signatures are required by this Division, otherwise the map shall not be filed.
- (C) Action by County Recorder. The County Recorder shall have not more than ten (10) days within which to examine a Final or Parcel Map, and either accept or reject it for filing.
 - (I) If the County Recorder accepts the map, such acceptance shall be certified on the face thereof. The map shall be securely fastened in a book of subdivision maps, in a book of Parcel Maps, or in such other manner as will assure that such maps will be kept together. The map shall become a part of the official records of the County recorder upon its acceptance by the Recorder for filing.

The fee for filing and indexing such map is as prescribed in Section 27372 of the California Government Code.

- (II) The original map shall be stored for safekeeping in a reproducible condition. The County Recorder may maintain for public reference a set of counter maps that are prints of the original maps and produce the original maps for comparison upon demand.
 - (III) This section shall not prevent filing in the Office of the County Recorder of a Final or Parcel Map of a subdivision for which a Final or Parcel Map is not required provided such map meets the requirements of this Division and any local ordinance.
 - (IV) The filing for record of a Final or Parcel Map by the County Recorder shall automatically and finally determine the validity of such map and when recorded shall impart constructive notice thereof.
- (5) Correction and Amendment to Maps. The purpose of this subsection is to provide a means to correct errors which may be found in Final or Parcel Maps.
- (A) Amendment to a Final or Parcel Map. After a Final Map or Parcel Map is filed in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map in the following circumstances:
 - (I) To correct an error in any course or distance shown thereon;
 - (II) To show any course or distance that was omitted therefrom;
 - (III) To correct an error in the description of the real property shown on the map;
 - (IV) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with the responsibilities for setting monuments;

- (V) To show the proper location or character of any monument which has been changed in location or character or originally was shown at the wrong location or incorrectly as to its character;
 - (VI) To correct any other type of map error or omission as approved by the County Surveyor which does not affect any property right. Such errors and omissions may include, but are not limited to: lot numbers, acreage, street names, and identification of adjacent record maps.
- (B) Preparation of Amending Map. The amending map or Certificate of Correction shall be prepared by a registered Civil Engineer licensed to practice land surveying or licensed Land Surveyor. An amending map shall conform to the requirements of the Article governing Final Map form and content, if a Final Map; or the Article governing Parcel Map form and content, if a Parcel Map. The amending map or Certificate of Correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission.
- (C) Map Amendment Examined by County Surveyor. The County Surveyor shall examine the amending map or Certificate of Correction, and if the only changes made are those set forth in this subsection, the County Surveyor shall certify to this fact on the amending map or Certificate of Correction.
- (D) Filing of Map Amendment with County Recorder. The amending map or Certificate of Correction certified by the County Surveyor shall be filed in the Office of the County Recorder in which the original map was filed. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or Certificate of Correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.

- (E) Upon recordation of an amending map or Certificate of Correction, the County Recorder shall within sixty (60) days of recording transmit a certified copy to the County Surveyor who shall maintain an index of recorded Certificates of Correction. The amending map shall contain a Certificate of Preparation that is signed by the registered civil engineer licensed to practice land surveying or licensed land surveyor who prepared the map and a prominently displayed note on the map which briefly lists the changes to the satisfaction of the County Surveyor.
- (6) Further modifications of Final Maps. In addition to the amendments authorized by Subsection 83.041105(a)(5), after a Final Map or Parcel Map is filed in the Office of the County Recorder, such a recorded Final Map may be modified by a Certificate of Correction or an amending map if the Board of Supervisors makes each of the following findings:
 - (A) That there are changes in circumstances which make one or all of the conditions of such a map no longer appropriate or necessary; and
 - (B) That the modifications do not impose any additional burden on the present fee owner of the property; and
 - (C) That the present fee owner of the property has consented in writing to the modifications; and
 - (D) That the modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - (E) That the map, as modified, conforms with each of the findings required for map approval.

Any such modification shall be set for public hearing. The Board of Supervisors shall confine the hearing to consideration of and action on the proposed modification. These map amendments shall also be subject to the preparation, review, and recordation requirements of Subsection 83.041105(a)(5) where applicable.

Readopted Ordinance 3341 (1989)

83.041115 General Requirements.

The procedures set forth in this section shall govern the requirements for Soils Report, Special Map Requirement, Environmental Review, Dedications, Monument, and Improvement requirements.

(a) Soils Report Requirement. The requirements set forth in this subsection shall apply to the Soils Report.

(1) A preliminary soils report may be required as part of the Tentative Map approval, providing the Planning Officer makes a finding, based upon existing knowledge of soil qualities, that a preliminary analysis is necessary. Said findings shall be based upon evidence, information and recommendations of the Development Review Committee or Development Review Committee member acting within the departmental area of expertise.

(2) If the County has knowledge of, or the preliminary Soils Report indicates, the present of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required. Such soils investigation shall be done by a Civil Engineer registered in this State, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soil problems exist.

If the Planning Agency has knowledge of areas of districts which are characterized by such expansive soils or other soils problems, upon the recommendation of the Planning Officer, Development Review Committee or Environmental Review Committee, the Planning Agency may require that a soils investigation be prepared for each lot of any subdivision proposed within said areas or districts.

(3) The Planning Agency may approve the subdivision or portion thereof where such soils problems exist if it determines that the Development Review Committee's recommended action is likely to prevent structural damage to each structure to be constructed. As a condition for the issuance of any building permit, it shall be required that the approved recommended action be incorporated in the construction of each structure.

- (4) Each report shall be kept on file at the Office of Building and Safety for public inspection. The location of these reports shall be referenced on the Composite Development Plan.
- (b) Special Map Requirement. Prior to Tentative or Parcel Map approval, the Planning Officer may require that the following information be reflected on the Tentative Map or minor subdivision plot plan:
- (1) Submittal of a map showing any or all existing easements and locations of rock outcrops, high groundwater and spring discharge.
 - (2) Delineation of the portions of lots allocated for the subsurface disposal of sewage effluent.
 - (3) The approximate size of irregularly shaped lots where it is deemed necessary in order to accomplish the objectives of this Article and of the General Plan.
 - (4) A plan may be required where watercourses, significant drainage channels or bodies of water traverse or adjoin a lot, showing how sewage disposal systems will be installed and maintained.

Lines depicting the required setbacks from such watercourses, drainage channels or bodies of water shall be indicated on a copy of the Tentative Map. Said map shall be reviewed by the Development Review Committee and recommendations shall be forwarded to the Planning Agency. When subsurface waste-disposal systems are proposed, a preliminary soils report shall be provided by the subdivider which shall ascertain the acceptability of subsurface sewage-disposal systems where such will be the method for waste disposal.

This information shall be incorporated into the Composite Development Plan to be filed with the Office of Building and Safety. The location of any special maps shall be referenced on the Composite Development Plan.

(c) Dedications.

- (1) Streets, Highways and Flood Control Rights-of-Way. As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for:
 - (A) Streets.
 - (B) Alleys.
 - (C) Access rights and abutters' rights.
 - (D) Drainage easements.
 - (E) Public utility easements.
 - (F) Other public easements.

In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. The subdivider may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of residents of the subdivision.

- (2) Drainage Rights-of-Way. When, in the opinion of the Planning Agency, drainage rights-of-way are necessary, the subdivider shall offer to dedicate upon the Final Map of the subdivision the necessary rights-of-way for such drainage facilities.
- (3) Flood Control Dedication. Where dedication is offered for Flood Control District rights-of-way, such rights-of-way shall be shown as lots lettered alphabetically on the Final Map. Such offer of dedication shall be made by an appropriate certificate on the title sheet of the Final Map, and, in addition, an executed deed conveying fee title to said right-of-way to the Flood Control District shall be delivered to said District.

- (4) Certification of Board Action. At the time the Board of Supervisors approves a Final Map, it shall also accept, subject to improvement, or reject any offer of dedication. The Clerk of the Board shall certify on the map the action of the Board of Supervisors.
 - (5) Resolution of Acceptance. The Clerk of the Board shall cause a resolution of acceptance of dedications by the Board of Supervisors, to be filed with the County Recorder.
 - (6) If at the time the Final Map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, subject to Section 771.010 of the California Code of Civil Procedure, the offer of dedication shall remain open and the Board of Supervisors may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use. Such acceptance shall be recorded in the Office of the County Recorder.
- (d) Monuments. The provisions of this subsection shall govern the placement of monuments for a subdivision.
- (1) Boundary Monuments. At the time of making the survey for the Parcel Map or the Final Map, the engineer or surveyor shall set sufficient durable monuments to conform with the County Surveyor's standards and standards described in Section 8771 of the California Business and Professions Code so that another engineer or surveyor may readily retrace the survey. The Parcel Map or the Final Map shall show said monuments found or set at or near each boundary corner and at intermediate points approximately one thousand (1,000) feet apart or at such lesser distances as may be made necessary by topography or contour to insure accuracy in reestablishment of any point or line without unreasonable difficulty. The precise position and character of each monument shall be shown on the Final Map, together with the relative heights of the top of each such monument with respect to the surface of the ground.

- (2) Deferment, Final Map or Parcel Map Monuments. Interior monuments need not be set at the time the Final Map is filed if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date. All monuments so deferred and the furnishing of notes thereon as required in County Surveyor's standards, shall be agreed to be set and furnished by the subdivider. Such agreement shall be included and guaranteed in the "agreement in Lieu of Improvements" as provided by this Division and accompanied by a cash deposit.
 - (3) Monument Inspection. All monuments shall be subject to inspection and approval by the County Surveyor.
 - (4) Centerline Monuments. Durable monuments as described in County Surveyor's standards shall be set.
- (e) Improvement Plans:
- (1) Submission of Improvement Plans. All improvement plans shall be submitted to the appropriate County agency or department, checked and approved prior to presentation of the Final Map to the Board of Supervisors for acceptance.
 - (2) Preparation of Plans and Specifications. All plans and specifications in connection with improvements shall be prepared by or under the supervision of a registered professional engineer.
 - (3) Street and Drainage Plans and Profiles. Plans, profiles and specifications of proposed street and drainage improvements shall be submitted to the County Transportation and Flood Control Department, checked and approved prior to presentation of the Final Map to the Board of Supervisors for acceptance. These plans and profiles shall show full details of the proposed improvements which shall be according to the standards of the County of San Bernardino.
 - (4) Water Systems Plans. Plans, specifications and all necessary details of the proposed water system to be installed shall be submitted to the Director of the Department of Environmental Health Services for review, provided that the supplier has certified that it is willing and able to supply water upon request.

- (5) Sanitary Sewer Plans. Plans, profiles, specifications and all necessary details of the sanitary sewers to be installed shall be submitted to the Director of the Department of Environmental Health Services for review; provided, however, that prior to submitting such plans, that shall have been approved by the governmental jurisdiction by which the subdivision is to be served, or if a private sewage disposal company is to service the tract, the plans shall have been approved by the Director of the Department of Environmental Health Services.

Readopted Ordinance 3341 (1989)

83.041120 Subdivision Design and Improvement Standards.

The Design and Improvement Standards found in this section shall be considered as requirements for map approval.

- (a) Land-Use Standards. The land-use standards in this subsection shall be applied as requirements for map approval.

The minimum areas and dimensions of lots shall be as required for the particular land use district classification in which the property is classified by the San Bernardino County Development Code; provided, however, that:

- (1) Lot or parcel side lines shall be approximately normal to street lines.
- (2) Each lot or parcel on a dead-end street where the side lines thereof are converging from front to the rear of such lot or parcel, shall have an average width of not less than sixty (60) feet, or that width required by the Development Code, whichever is greater, measured along the front building setback line.
- (3) Each lot or parcel on a curved street where the side lines thereof are converging from the front to the rear of such lot or parcel, shall have an average width of not less than sixty (60) feet, or that width required by the Development Code, whichever is greater.

- (4) Double frontage lots shall be discouraged except where essential to provide separation of residential developments from major or secondary highways or due to topographical conditions. When double frontage lots are permitted, vehicular access rights shall be dedicated to the County along the street designated by the Planning Agency.
- (5) The Planning Agency may require lots larger than the above minimum sizes specified in multiple-residential, commercial and industrial subdivisions.

When lots or parcels twice or more the required area or width are shown as part of a subdivision of land, the Planning Agency may require such lots or parcels to be so established as to make practical a further division into allowable building sites, without injury to adjoining property.

- (6) In desert areas or in hilly or mountainous lands, the Planning Agency may require lots larger than required minimums. Larger lots shall be required if it is deemed necessary in order to conform to the Land Use Element of the County General Plan.
- (7) Modification of the Lot Design Standards may be allowed under the following circumstances:
 - (A) Pursuant to the Lot Area Regulations of Division 7, Chapter 4, of Title 8 of this Code.
 - (B) Pursuant to the Planned Development regulations of Division 8, Chapter 5, of Title 8 of this Code.
- (8) This subsection does not apply to any lot or parcel which the subdivider offers to dedicate to the County or any public agency or district.
- (9) When a land use district classification line divides a lot or parcel, the **area and frontage requirements for such lot or parcel shall be those of the land use district that requires the greater or most restrictive standards between the two districts involved.**

EXAMPLE: If the line between a Neighborhood Commercial (CN) District and a Single Residential (RS) District divides a parcel, the applicable area and frontage requirements would be those for the CN as they are greater than those for the RS District.

- (b) Circulation Standards. The circulation standards in this subsection shall be applied as requirements for map approval.
- (1) If the General Plan designates a general location of a proposed highway and any portion thereof may be wholly or partially within any proposed subdivision or may be affected by a proposed subdivision prior to the approval of the proposed subdivision, a specific alignment plan shall be prepared and adopted. Each such roadway shall conform in width and alignment with that shown or indicated on the General or Specific Plan or any standards adopted pursuant thereto. As a condition of approval of said subdivision, the subdivider shall be required to make dedications and construct such reasonable improvements as required by the specific alignment plan. Such requirements may be waived by the Planning Agency upon recommendation of the County Transportation and Flood Control Department, if the proposed highway is located upon a section line or its precise alignment can be otherwise determined.
 - (2) The following provisions shall apply as standards governing circulation design and shall be required for map approval:
 - (A) The circulation design of all subdivisions shall be compatible and coordinate with the County General Plan and the existing street and land use pattern in the surrounding area.
 - (B) Any part-width highway lying along and adjacent to any boundary of a subdivision shall have such a part-width and alignment as will conform to the route lines shown on the Master Plan of Highways covering the same portion of such subdivision.
 - (C) Each street intended to be extended into adjoining property shall be terminated by a one (1) foot parcel of land extending across the end of the street and, in the case of a part-width street, a one (1) foot parcel of land shall extend along the entire side of the street. Said parcels shall be designated alphabetically as a lot, labeled as a future street and offered for dedication by appropriate certificate on the Final or Parcel Map. The offer of dedication of said future street shall include a restriction against the use of same for access purposes

until such time as it is accepted as a public street. Where it is determined by the Planning Agency that to protect the public health, safety and general welfare, it is necessary to extend a street beyond the boundaries of the subdivision for adequate traffic needs, the subdivider shall provide separate deeds for the necessary easements or rights-of-way to accommodate such traffic facilities. Such rights-of-way shall be improved in accordance with County standards or as required by the Planning Agency.

- (D) Cul-de-sacs shall not exceed six hundred (600) feet in length, except as provided below, and shall terminate with a turn-around as specified in the adopted County Road Standards. The Planning Agency may approved a cul-de-sac which exceeds six hundred (600) feet if the Planning Agency finds that said cul-de-sac will not be injurious to the public health, safety and welfare.
- (E) Road grades shall not exceed twelve percent (12%) unless it can be demonstrated that in order to accomplish the objectives of the County General Plan a road grade in excess of twelve percent (12%) is necessary. In such circumstances, the Planning Agency may approve a road grade not to exceed fourteen percent (14%) grade for a distance not to exceed five hundred (500) feet if a finding is made, based upon the recommendations of the County Director of Transportation and Flood Control and the County Fire Warden, that said roadway will not create an unacceptable hazardous risk to the public health, safety or welfare.
- (F) Access to a Subdivision. The subdivision and each phase thereof shall have two (2) points of vehicular ingress and egress from existing and surrounding streets, one of which may be emergency only. Where providing such access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified.

- (c) Public Services and Facilities. The public services and facilities standards in this subsection shall be applied as requirements for map approval.
 - (1) These standards shall regulate the placement of utilities within the subdivision.
 - (A) Utility lines, including but not limited to electric, telephone, communications, street lighting and cable television, within or directly serving each subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this subsection without expense to the County, and he shall make necessary arrangements with the utility company for the installation of such facilities. Appurtenances and associated equipment such as boxes and meter cabinets and concealed ducts in an underground system may be placed above ground. Waiver of the requirements for underground utilities shall be made through the Public Utilities Commission. This subsection shall not apply to existing utility or common carrier routes in use at the time the subdivision is completed which do not provide service to the area subdivided. Aerial routes still in existence at the time the subdivision is completed may be reinforced from time to time as conditions dictate; however, all provisions of this subsection shall be subject to the requirements of any underground district created pursuant to San Bernardino County Code Section 67.011 in existence prior to the subdivision of the land or created subsequent thereto.
 - (B) Overhead utility lines where permitted shall be located at the rear of lots or parcels where practical, and along the sides of lots or parcels where necessary.
 - (C) If a local cable television system is available to serve the project, any subdivision for which a Tentative Map is required shall be designed to provide the appropriate cable television system an opportunity to construct, install, and maintain on land as reserved for cable television service or by separate instrument, any equipment necessary to extend cable television services to each residential parcel in the subdivision.

"Appropriate cable television systems," as used in this subsection, means those franchised or licensed to serve the geographical area in which the subdivision is located.

This subsection shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

- (D) Whenever the County imposes as a condition of its approval of a Tentative Map or a Parcel Map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, common carrier or other public utility, the developer or subdivider shall reimburse the appropriate facility provider for all costs for the replacement, undergrounding, or relocation. All these costs shall be billed after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. Under no circumstances shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.
- (2) Public Services and Facilities Fees. The fee requirements of Division 1 of Title 8 of this Code shall be imposed as conditions of all map approvals, including Parcel Maps.
- (d) The standards herein shall be related to public safety.
 - (1) The standards herein shall govern drainage works.
 - (A) When a subdivision lies in the path of existing watercourses or overflows therefrom or natural drainage from upstream properties, it shall not be approved unless adequate dedicated rights-of-way or improvements are provided in a manner satisfactory to the Planning Agency.

- (B) When, in the opinion of the Planning Agency, a subdivision may cause an unnatural increase or concentration of surface waters onto downstream property, said subdivision shall not be approved by the Planning Agency unless drainage outlets are provided which will be adequate to render the County of San Bernardino and the County Flood Control District harmless from any damages caused therefrom.
 - (C) The location, type and size of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall be in accordance with County standards or as required by the Planning Agency.
 - (D) When, in the opinion of the Planning Agency, drainage rights-of-way are necessary, the subdivider shall offer to dedicate upon the Final Map of the subdivision the necessary rights of way for such drainage facilities.
 - (E) Where dedication is offered or granted for Flood Control District rights of way, such rights of way shall be shown as lots lettered alphabetically on the Final Map. Such offer of dedication or grant shall be made by an appropriate statement on the title sheet of the Final map.
- (2) The standards contained herein related to fire protection measures shall be considered as requirements for map approval.
- (A) Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely handle evacuations.
 - (B) The subdivision shall be served by water supplies for community fire protection in accordance with the standards set by the appropriate fire authority.
 - (C) In hazardous fire areas, all flammable or combustible vegetation shall be removed from around all structures, in accordance with the requirements of the San Bernardino County Uniform Fire Code. Where erosion is probable, the slopes shall be planted with fire resistive ground cover.

- (3) The standards contained herein related to sewage disposal systems shall be considered as requirements for map approval.
 - (A) Subsurface sewage disposal systems shall be located as far as practical from a perennial or intermittent stream pursuant to San Bernardino County Code, Division 3, Article 5, Sections 33.055 and 33.056, and the requirements of the Department of Environmental Health Services and the Regional Water Quality Control Board.
 - (B) When a soils or a geologic hazards report for a subdivision is prepared (either at the developer's volition or as a requirement of any governmental agency), it shall include findings and recommendations concerning probable adverse effects of such hazards to the integrity of water supply and sewage disposal facilities and structures.
- (e) Environmental and Public Health. Lands to be subdivided for residential, park, playground or land recreation purposes may be subject to environmental quality standards as established by ordinances and regulations of the different departments and agencies within the County.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990);
Amended Ordinance 3427 (1990)

83.041125 Improvement Security.

The necessity for improvement security and the related requirements shall be governed by the following regulations:

- (a) Requirement for Improvement Security. If all required improvements, engineering and inspection are not satisfactorily completed before the Final Map is approved, the owner or owners of the subdivision shall, prior to the approval of the Final Map, enter as contractor into an agreement with the County Board of Supervisors whereby in consideration of the acceptance by the County Board of Supervisors of the streets, easements and any other land offered for dedication, the contractor agrees to furnish the equipment, labor and material necessary to complete the work within the time specified in the agreement.

- (1) Amount of Improvement Security Required. To assure the County that the work will be completed, improvement security shall be furnished to guarantee the performance of any act or agreement in the following amounts for the following purposes:
 - (A) An amount, not less than one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement.
 - (B) An additional amount, not less than fifty percent (50%) nor more than one hundred percent (100%) of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.
 - (C) Whenever an entity required to furnish security in accordance with this section is a California nonprofit corporation, funded by the United States of America or one of its agencies, or funded by this state or one of its agencies, the entity shall not be required to comply with Subsections 83.041125(a)(1)(A) and (B), if the following conditions are met:
 - (I) The contractor installing the improvements has bonded to the nonprofit corporation and the County as co-obligee the amount of one hundred percent (100%) of the contract for the faithful performance of the work, and has further bonded to the nonprofit corporation and the County as co-obligee an amount of not less than fifty percent (50%) of the contract for the payment of labor and materials, and those bonds comply with the provisions of this Article.
 - (II) All moneys payable to the contractor by the nonprofit corporation are deposited in a depository complying with the provisions of the Subdivision Map Act and out of which moneys progress payments are conditioned upon:

- (i) The contractor's certification to the nonprofit corporation that all labor performed in the work, and all materials furnished to and installed in the work, have been paid for in full to the date of the certification.
 - (ii) The written approval of the nonprofit corporation.
 - (iii) Final payment to the contractor not being made until sixty (60) days shall have expired after the filing and recording of the notice of completion of the work and acceptance of the work by the County in writing.
- (III) All certifications as to progress payments shall be delivered through the United States mail to the nonprofit corporation. The term "progress payments" means payments made in compliance with the schedule of partial payments agreed upon in the contract for the work. No less than ten percent (10%) of the total contract price shall be retained for the sixty (60) days following the filing of the notice of completion.
- (D) An amount as determined by the County Director of Transportation and Flood Control, but not more than twenty-five percent (25%) of the total estimated cost of improvements or performance of the required act necessary for the guarantee and warranty of the improvement for a period of one (1) year following the completion and acceptance thereof, against any defective work or labor done, or defective materials furnished.

As part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees incurred by the County in successfully enforcing the obligation secured.

(2) Type of Security Required. The furnishing of security in connection with the performance of any act or agreement shall be one of the following, at the option of and subject to the approval of the County Board of Supervisors:

(A) Bond or bonds by one or more duly authorized corporate sureties.

(B) A deposit, either with the County, responsible bank or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public monies.

(C) An instrument of credit from one or more financial institutions subject to regulation by the State or Federal government, and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

Bonds to secure faithful performance and for the benefit of laborers and material of any agreement, shall be in substantially the forms as shown in the Subdivision Map Act.

Such money, negotiable bond or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgement by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the County.

(3) Forfeiture on Failure to Complete. Upon the failure of a subdivider to complete any improvements and work within two (2) years from the date the agreement is executed, the County Board of Supervisors may, upon notice in writing served by registered mail addressed to the last known address of the person, firm or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted and may cause to be forfeited to the County or Flood Control District, such sum of money or bonds given for the faithful performance of said work as may be necessary to complete such work.

- (4) Exoneration of Improvement Security. With the exception of flood control or drainage works inspected by the Flood Control Engineer, it shall be the duty of the County Director of Transportation and Flood Control to inspect or receive certificates of completion of all improvements installed as to their compliance with this Article and County standards.

The security furnished by the subdivider may shall be released in the following manner:

- (A) Security given for faithful performance of any act or agreement shall be released upon the performance of the act or final completion and acceptance of the required work.
- (B) Security securing the payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the California Civil Code and other acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the County Board of Supervisors, and if no such claims have been recorded, the security shall be released in full.

Such release shall not apply to any required guarantee and warranty period, nor to the amount of the security deemed necessary by the County for such guarantee and warranty period, nor to cost and reasonable expenses and fees, including reasonable attorney's fees.

- (C) Maintenance security necessary for guarantee and warranty of the work for a period of one (1) year following completion and acceptance thereof against any defective work or labor completed, or defective materials furnished shall be released should no claims of such defective work be filed with the County Board of Supervisors. In the event of such defective work, the security shall be held until all work is considered satisfactory and acceptable by the County.

- (5) Reimbursement for (Oversized) Supplemental Improvements.
The Planning Agency may, at the request of a public agency, require that the improvements installed for the benefit of the subdivision contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or Parcel Map, and thereafter dedication of such improvements to the said public agency. However, the subdivider shall be reimbursed by said public agency for that portion of the cost of such improvements equal to the difference between actual cost and the amount it would have cost the subdivider to install such improvements pursuant to the provisions of the Subdivision Map Act. Standards and procedures for requiring such improvements and for reimbursement shall be contained in the operating rules and regulations of said public agencies and shall be made a public record.

Readopted Ordinance 3341 (1989)

Article 12. ENFORCEMENT

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The procedures set forth in this Article shall provide for the enforcement of the State Subdivision Map Act and the provisions of this Division of the San Bernardino County Code in conjunction with those provisions specified by Division 1, Chapter 2, of this Title.

Readopted Ordinance 3341 (1989)

83.041201 Prohibition and Penalty.

This section shall provide the prohibition and penalty provisions of this division.

- (a) Prohibition on Transfers. No person shall sell, lease, or finance any parcel or portion of parcels of real property, or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a Final Map or Parcel Map is required by this Division and the Subdivision Map Act, until such map thereof in full compliance with the provisions of this Division has been filed for record by the County Recorder.

Conveyance of any part of a division of real property for which a Final or Parcel Map is required by this Division shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record by the County Recorder.

- (b) Prohibition on Issuance of Permits. No officer, board, commission, agency, department or special district of the County shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Division if it finds or is informed by the Planning Officer that development of such real property is contrary to the public health and safety. Prior to making such a finding that the development of such real property is contrary to the public health and safety, the Planning Officer shall conduct a review.

At said review, the Officer shall consider all information and evidence submitted. The decision of the Planning Officer may be appealed therefrom, within thirty (30) days, to the Planning Commission by any person aggrieved, or by an officer, board, department or agency of the County. The authority to deny such a permit or such approval shall apply whether the applicant therefore was the owner of the real property at the time of such violation, or whether the applicant therefor, if the current owner of the real property, was with or without actual or constructive knowledge of the violation at the time of such violation, at the time of the acquisition of his interest in such real property. If any officer, board, commission, agency, department or special district of the County issues any permit or grants approval for the development of any such real property, it may request a report from the Planning Officer and impose any additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

For parcels created before March 4, 1972, notice of said review shall be given, by registered mail, to the owner of such real property as shown on the latest equalized assessment roll book. Said review shall be held not less than fourteen (14) days nor more than thirty (30) days after receipt by the owner of the notice of review.

- (c) Statement of Limitations. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contract for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
- (d) Penalties. Penalties shall be as specified in Division 1, Chapter 2, of this Title.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

83.041205 Remedies.

The following remedies are available pursuant to the provisions of this subsection:

- (a) Voiding of Sale by Grantee. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this Division is voidable at the sole option of the grantee, buyer or person contracting to purchase, heirs, personal representative or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation of the provisions of this division; but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or any assignee, heir or devisee.
- (b) Superior Court Action by Grantee. Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Division may, within one (1) year of the date of discovery of such violation bring an action in the Superior Court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this Division, and against any successors in interest who have actual or constructive knowledge of such a division of property.
- (c) Statement of Limitations. The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a Certificate of Subdivision Compliance filed pursuant to Article 9, or identified in a recorded Final Subdivision Map, Parcel Map, or Official Map and after the date of recording. The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

This subsection does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm or corporation may otherwise be entitled. Any such local agency or other public agency, or such person, firm or corporation may file a suit regarding any real property attempted to be subdivided or sold, leased or financed in violation of this Division, or to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of this Division, in the Superior Court of the County of San Bernardino.

- (d) Request for Certificate of Subdivision Compliance. Any person owning real property may request a Certificate of Subdivision Compliance in accordance with the provisions of Article 9.
- (e) Notice of Violation. Whenever the Planning Officer has knowledge that real property has been divided in violation of the provisions of this division, then within the guidelines set forth by County Counsel, the Planning Officer shall cause to be mailed by certified mail to the then current owner of record of the property a Notice of Intention to record a Notice of Violation, describing the real property in detail, naming the owners thereof, describing the violation, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date and place at which the owner may present evidence to the Planning Agency why such notice should not be recorded. The notice shall also contain a description of the violations and an explanation as to why the subject parcel is not lawful under Subdivision (a) or (b) of Section 66412.6 of the Government Code for the State of California. Evidence shall be presented by the owner to the Planning Agency no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, after the owner has presented evidence, it is determined that there has been no violation, the Planning Officer shall cause to be filed for record with the County Recorder a release of the Notice of Intention to record a Notice of Violation. If, however, after the owner has presented evidence, the Planning Agency determines that the property has in fact been illegally divided, or if within fifteen (15) days of receipt of such copy the owner of such real property fails to inform the Planning Agency of his objection to recording the Notice of Violation, the Planning Agency shall cause to be filed for record with the County Recorder the Notice of Violation. The Notice of Intention to record a Notice of Violation and the Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The County Recorder shall index the names of the fee owners in the general index.

Readopted Ordinance 3341 (1989)

Article 13. RESIDENT INITIATED MOBILEHOME PARK CONVERSION

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83.041301 Intent.

The intent of this Article is to facilitate resident purchase of mobilehome parks. This Article allows the waiver of certain subdivision requirements and expedites local government processing for mobilehome park conversions to condominiums or stock cooperatives. Such conversions will preserve an important source of affordable housing.

For the purposes of this Article, an application for subdivision shall be considered "resident initiated" when signed by a resident organization formed by the tenants of the subject mobilehome park for the purpose of purchasing the mobilehome park. The proposed conversion shall be supported by a minimum of two-thirds (2/3) of the current residents of the park. The resident organization shall have a legally binding contract, which, if the conditions of the contract are met, would result in the acquisition of an interest in the mobilehome park. A preapplication conference may be requested by the applicant(s) prior to formation of the resident organization or prior to entering into a legally binding contract provided the Planning Agency determines in writing that it is reasonable to believe that such contract may be entered into within one (1) year.

Readopted Ordinance 3341 (1989)

83.041305 Exclusions.

The provisions of this Article shall not apply to the following:

- (a) The purchase of a mobilehome park by a non-profit corporation which is subject to the provisions of Section 11010.8 of the California Business and Professions Code.
- (b) Special Occupancy Parks (e.g. Recreation Vehicle Parks) as defined in Section 2008 of the Mobilehome Parks Act, Title 25 of the California State Administrative Code.

Readopted Ordinance 3341 (1989)

83.041310 Waiver of Tentative and Final Map Requirements.

Notwithstanding other provisions of this Division the requirement for the filing of a Tentative Subdivision Map and the preparation, filing and recordation of a Final Map, for a mobilehome park conversion to a condominium or stock cooperative on a single parcel, may be waived by the Planning Agency provided that the following procedures are followed by a resident organization desiring to convert their park and the necessary findings are made by the Planning Agency:

(a) Pre-application conference.

Prior to filing an application for mobilehome park conversion the resident association shall have a preapplication conference with the Development Review Committee. This conference shall be scheduled in accordance with the policy established by the Board for the Housing Incentive Program. The purpose of this conference is to determine that the proposal qualifies under the provisions of this Article.

The following information shall be submitted with the application for this conference:

- (1) Previously approved plot plan for the mobilehome park. If none exists, a plot plan shall be filed in accordance with the requirements established by the County reviewing authority and available at the information counter of the San Bernardino County Government Center or in the regional offices of the Department of Land Management.
- (2) A supplemental report to include the following information:
 - (A) Name of consultant(s), if any.
 - (B) Disclosure of all known fees and costs for the conversion process.
 - (C) Documentation demonstrating that two-thirds (2/3) of the residents of the mobilehome park support the proposed conversion.
 - (D) Declarations from those residents supporting the conversion that their principal place of residence is within the subject mobilehome park.

- (E) The location of the park and results of a field inspection done by the applicant(s) or consultant regarding the status of the compliance of the park with the County health and safety standards in effect at the time the park was created. Any on-site dedications or public improvements to be required, if any, shall be identified by the committee.
- (F) Proposed tentative schedules to expedite meeting and coordinating any requirements of the San Bernardino County Planning Agency and the Department of Real Estate, including but not limited to the Public Report. Such schedule shall include an outline of the permits and noticing required to allow this conversion and the estimated time at which such permits are obtained.
- (G) Evidence showing that the sixty (60) day Notice of Intent to file the conversion application [as required by Subsection 66427.1(a) of the Subdivision Map Act] has been met.
- (H) Initial report on the impact of the conversion on the residents of the mobilehome park. This report is needed to determine whether an impact report as required in Section 66427.4 of the Subdivision Map Act is needed. The report shall specify whether any residents of the park are to be involuntarily displaced and any proposed measures to mitigate such displacement. A resident who is offered an opportunity to remain in the park after the conversion through continuation of the tenancy at generally the same terms as existed prior to proposed conversion, shall not be considered involuntarily displaced. At the preapplication conference the Development Review Committee shall indicate whether an impact report needs to be filed with the formal application for the conversion. If it is required, the Development Review Committee shall identify in detail any additional items to be required as mitigation measures to assist any displaced residents. No current resident shall be involuntarily displaced without proper notice, assistance or compensation, to be worked out on a case-by-case basis. Such noticing, assistance or compensation may include, but is not limited to, the following:

- (I) The project shall comply with the Mobilehome Residency Law, Section 798, et. seq., of the California Civil Code.
 - (II) The project applicant(s) may be required to provide relocation assistance pursuant to federal, state or local laws.
- (b) The Development Review Committee shall field check the park prior to the scheduled meeting. The Development Review Committee shall establish if the proposed mobilehome park conversion meets the intent and is capable of meeting the provisions of this Article. The Planning Officer shall attempt to inform the applicant(s) at the earliest opportunity if a public hearing is to be required. If the proposed mobilehome park conversion is acceptable, the Development Review Committee shall identify the information the applicant needs to file to proceed with the proposal. Such information shall include the following:
 - (1) Development Review Committee preapplication conference minutes. These minutes shall include the proposed tentative schedules required by Subsection 83.041310(a)(2)(F).
 - (2) If the parcel upon which the park lies was created prior to January 1, 1960, a Parcel Map Application shall be required. Such application shall be processed concurrently with any other information filed pursuant to the preapplication conference.
 - (3) Mobilehome Park Conversion Impact Report, if required at the preapplication conference to meet the requirements of Section 66427.4 of the Subdivision Map Act. Such report shall be given to each resident within the mobilehome park.
 - (4) Mobilehome Park Plot Plan if no plot plan was previously approved.
 - (5) Any special information which was identified by the committee. Among such information may be information to assist in the environmental review of the proposal.

(6) Certificate of Subdivision Compliance Application.

The review and processing of any application pursuant to this section shall be subject to the same review and time requirements and appeal procedures as are provided in this Division for Tentative Subdivision Maps. In any case where waiver of the Tentative and Final Map is granted the Planning Officer shall cause to be filed for record with the County Recorder a Certificate of Subdivision Compliance pursuant to Article 9 of this Division. The Planning Officer may require a public hearing pursuant to the provisions of Subsection 83.040220(b) of this Code. Should a public hearing be required the noticing provisions of Section 66451.3 of the Subdivision Map Act shall be met.

(c) Findings of Approval. A mobilehome park conversion shall be approved or conditionally approved only if the following are found and justified as being true:

- (1) The mobilehome park complies with the requirements established by State law and County Ordinance for such uses at the time the mobilehome park was constructed. Such regulations shall include those regarding area, improvement and design, flood water drainage control, public roads, sanitary disposal facilities, water supply and distribution systems, environmental protection and other requirements of the Subdivision Map Act or this Division.
- (2) Any measures necessary to mitigate the impact of the conversion on current residents of the park have been required as conditions of approval.
- (3) Applicable noticing requirements of the Subdivision Map Act have been, or will be met.

(d) Conditions of Approval. The following conditions may be required by the Planning Agency as conditions of approval for the proposed conversion:

- (1) Subdivisions permitted by this Article may include conditions requiring a Compliance Survey inspection to the satisfaction of the Planning Agency. However, such survey shall be limited to require improvements relating only to items of a health and safety nature.

- (2) The mobilehome condominiums or stock cooperatives shall be subject to Title 25 of the California State Administrative Code.
- (3) Only additional onsite improvements or development standards which were applicable at the time the mobilehome park was originally developed may be required.
- (4) Offsite public improvements for qualifying mobilehome parks shall be waived, except as follows:
 - (A) Any offsite improvements shall be financed with appropriate assessment bonds.
 - (B) The Certificate of Subdivision Compliance shall not be delayed or contingent upon completion of the offsite improvements.
- (5) Any requirements and/or documents required by the State Common Interest Development Act, Title 6 (commencing with Section 1350), Part 4, Division 2 of the California Civil Code.
- (6) Conditions of approval necessary to ensure any noticing requirements that are required by Section 66427.1 of the Subdivision Map Act are met.
- (7) Any plan or document required to be submitted to the Department of Real Estate shall be reviewed for consistency with the approved project and plot plan. Such plan shall reference the "waiver" notice requirement in Condition Number eight (8) below, to the satisfaction of the Planning Officer.
- (8) Notice shall be placed on the Certificate of Subdivision Compliance that standard subdivision requirements for the creation of condominiums/stock cooperatives have been waived by the County of San Bernardino and only conditions applicable to the original development of the mobilehome park have been required.
- (9) The applicant(s) shall comply with the indemnification requirements of Section 81.0150 of this Code.

(10) The Planning Agency may impose any conditions of approval to assure any appropriate measures for relocation assistance are implemented.

(f) Any conditions of approval required pursuant to this Article shall be drafted in such a way so as to expedite the conversion process. No mobilehome shall be required to be placed on permanent foundations as a result of the conditional approval.

Readopted Ordinance 3341 (1989)

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